

GW LAW'S GOVERNMENT
PROCUREMENT LAW PROGRAM &
THE UNIVERSITY OF TURIN PRESENT:

EU Procurement Reforms – An International Perspective

OCTOBER 5, 2026
9:00 EASTERN US – 15:00 CET

FREE WEBINAR

Welcome

Christopher Yukins (co-moderator)

**Lynn David Research Professor in Government Procurement Law
GW Law School – Government Procurement Law Program**

- **Program materials and recording (including chat) available on PublicProcurementInternational.com**
 - And on *GW Law Government Procurement Law Program* YouTube page
- Speakers' statements are in their personal capacities



Over 300 registrants – 60 countries

Research Resources: PublicProcurementInternational.com



Resources on:

- Use of *regulation*, not directives
- Competitive methods: old and new
- E-procurement integration
- “Strategic autonomy” – European preference

Panelists





Professor
Gabriella Racca
(co-moderator)

Topics

- Digital Exchanges – Marc Christopher Schmidt, Isabel da Rosa & Tünde Tátrai
- Directive or Regulation? – Pedro Telles
- Competitive Methods – Open, Dynamic and Innovation Procedures – Gian Luigi Albano
- Strategic Autonomy – EU Preference – Marko Turudić & Roberto Caranta
- Questions/Discussion

Marc Christopher
Schmidt



Digital ecosystem

Public Procurement Act

05/10/2026

DD/MM/YYYY



Objectives Digital Marketplace

1. System integration through interoperability

Economic operators use a single platform to participate in any procurement procedure in the EU, reducing complexity and improving access to procurement.

2. Streamlined administrative processes

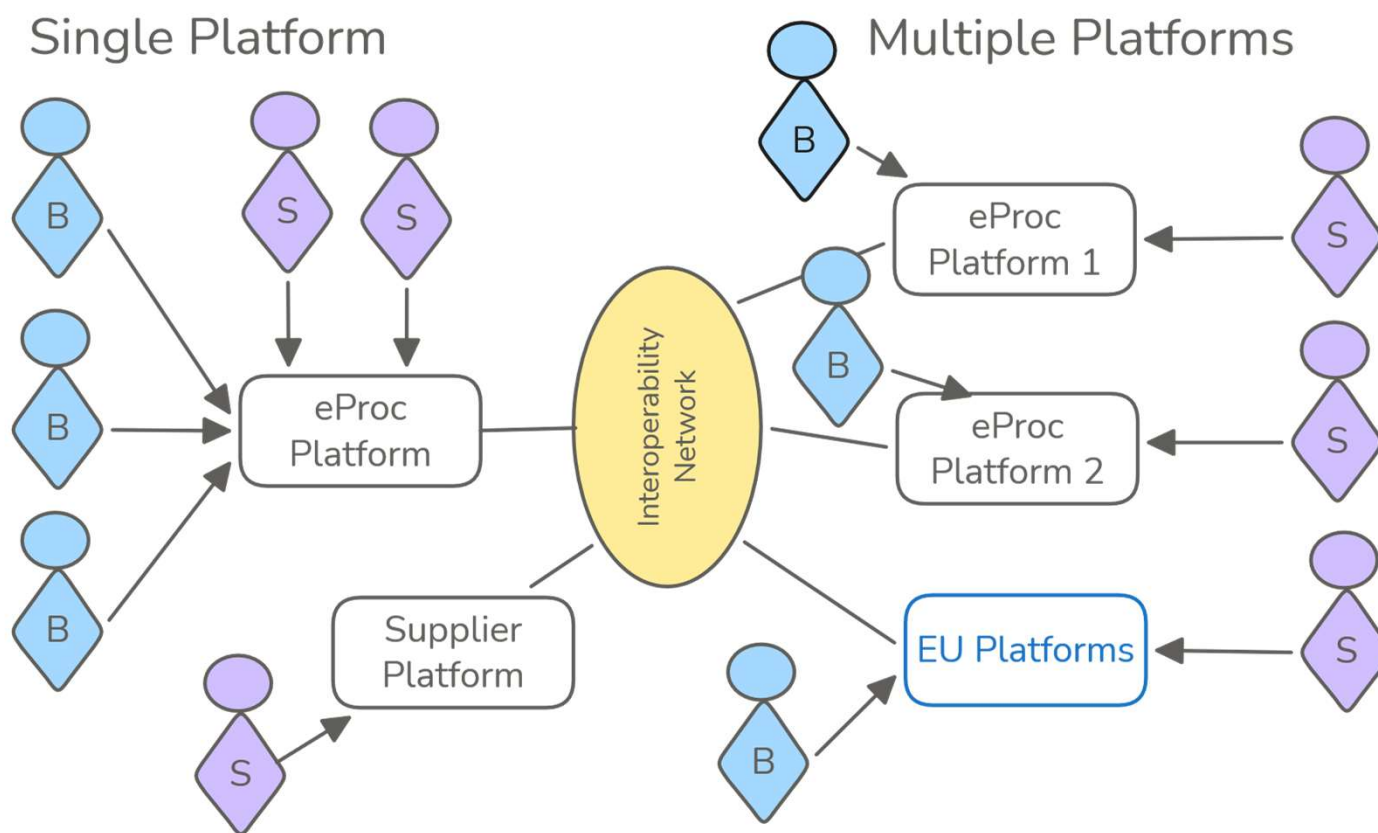
Evidence exchange will be streamlined, lowering transaction costs and making validation much easier. Economic operators and public buyers should have more time to work on what matters.

3. Support competitiveness through better data

Access to high-quality lifecycle data strengthens market intelligence, enabling policy steer and prevention and detection of irregularities.



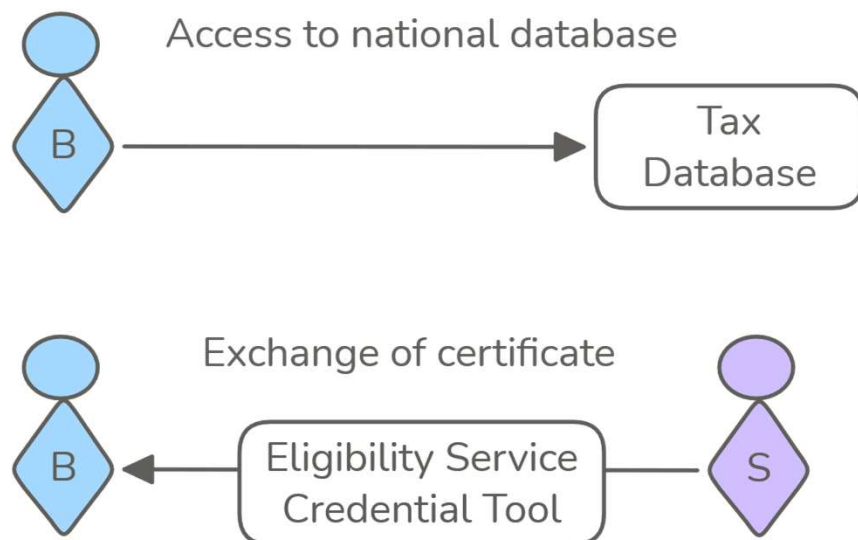
Future setup of eProcurement Platforms



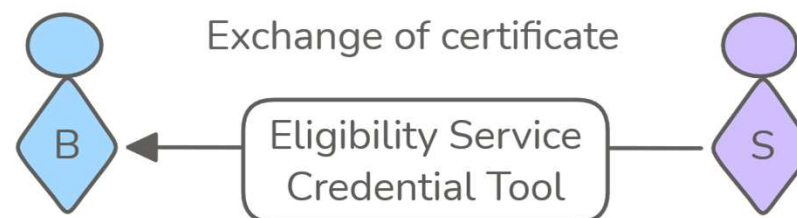
Economic Operators use only 1 platform.

Future setup of eligibility ecosystem

Within country



Cross border



Especially for mandatory exclusion grounds:

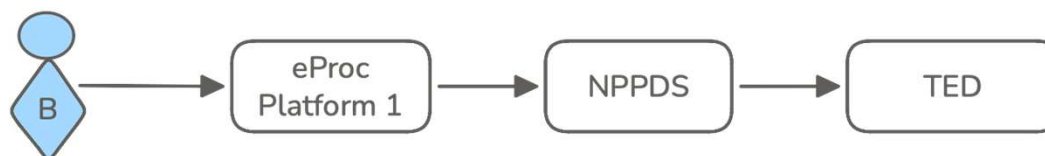
1. Economic operator in control of their data!
2. Traffic light system = seamless validation
3. No need for translation

Future setup of publication on TED

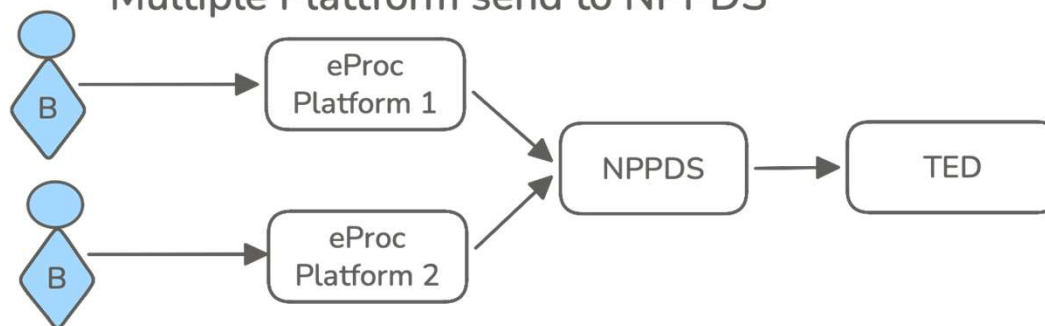
eProcurement Plattform is part of NPPDS



eProcurement Plattform is separately of NPPDS



Multiple Plattform send to NPPDS



NPPDS becomes the central eSender, all MS have all summaries

eSenders are sending notices electronically to TED



PUBLIC PROCUREMENT DATA

Data Governance, TED & PPDS — turning EU procurement data into a strategic asset

Study by Isabel da Rosa · Tünde Tátrai

October 2026



A strategic market running on fragmented data

Digitalisation (eForms, TED, PPDS) has expanded the volume and availability of data — but quality has not kept pace

16%

of EU GDP

flows through public procurement — increasingly digitalised via eForms, TED and national platforms.

Data quality gaps

- Missing values and incomplete records
- Inconsistent classification (CPV-related errors)
- Repeated manual data entry, weak validation
- Weak feedback loops on data quality
- No harmonised identifiers across systems

Result: distorted indicators, limited cross-border comparability, and a weak evidence base for monitoring competition, SME access, innovation and sustainability goals.

IT is the enabler. Data is the strategic asset.

1 IT Systems — an enabling layer, not the objective

- A diverse IT ecosystem can support innovation and resilience
- Beneficial only if interoperability and minimum requirements are enforced
- Advanced platforms deliver limited value without coherent, linked data

2 Procurement Data — a strategic EU asset

- Understand how public money is spent
- Identify market distortions and competition risks
- Monitor SME participation and cross-border access
- Track green, social and innovation procurement goals

Core proposal: an EU Governance Committee, mirrored nationally

One formal venue where strategic decisions on procurement data are prepared, agreed and communicated — EU steers, nations operationalise

EU Public Procurement Data Governance Committee

Chaired by the Commission · Member States + EU bodies (publication, interop., oversight)

- Priorities & targets for data quality
- Interoperability standards & identifiers
- Steer TED, eForms, PPDS, CPV, ESPD/eCertis
- Feedback mechanisms & follow-up

Backed by an Advisory Group (AI, standardisation, data protection) — faster, better-informed decisions than a purely regulation-driven cycle.



National Data Governance Authorities (×27)

Operationalise, support and enforce within their jurisdiction

Coordinate authorities & platforms

Safeguard data integrity

Manage feedback & remediation

Feed EU-level analytics reliably

Two cross-cutting levers for sustained quality

1 Feedback & Incentives

- Dashboards & systematic issue reporting make quality visible
- Comparative indicators with clear national follow-up
- Recognition: awards for high-performing authorities
- Coordinated remediation of systemic issues (CPV errors, missing modifications)
- Enforceable publication & integrity obligations where needed

2 Capacity Building

- From ad hoc training to competency-based professionalisation
- Institutionalise procurement as a recognised public profession
- Define minimum competency requirements & certification
- Embed digital & data skills into job profiles and career paths
- Align EU frameworks with national civil-service systems

Unique identifiers and practical upgrades across the instruments

Without common IDs, procurement journeys cannot be reconstructed end to end — and automation stalls



Consistent identifiers needed for:

- Contracting authorities
- Economic operators
- Procedures & lots
- Contracts (and invoices)

This enables:

- Linkage across notice types (notice → award → modification → completion)
- Interoperability between national platforms, portals & analytics
- Effective Once-Only Principle: registry-based verification of identified entities

Headline recommendation per building block

TED Modular portal, AI-assisted search, robust APIs and a linked lifecycle view of notices	eForms Evolution managed through the Committee; standardise unique IDs; publish FA/DPS awards	PPDS Mandatory integration of notice-level data — the EU's analytical backbone & reference indicators
Contract Registers Evolve into National Public Procurement Data Spaces feeding PPDS reliably	Co-Publishing Space Start within PPDS for innovation procurement; extend to green & social over time	Once Only Principle User-friendly eCertis; shift to automated, registry-based verification

From reporting-centred to governance-led

What the revised Public Procurement Directives (2014) should embed — and a pragmatic sequence of high-impact actions

Embed in the revised Directives

- 1 Establish the Governance Committee in primary law
- 2 Strengthen Member States' data integrity obligations
- 3 Enable EU-level decisions on interoperability & identifiers
- 4 Define TED, PPDS & Co-Publishing Space in the Directive
- 5 Make PPDS the monitoring backbone; phase out duplicate reporting
- 6 Set an explicit principle for ethical, trustworthy use of AI

Implementation priorities & sequencing

- 1 **Governance**
Operationalise the EU Committee & national authorities
- 2 **Identifiers**
Agree & roll out interoperable unique identifiers
- 3 **Publication**
Strengthen validation, lifecycle linking, close gaps
- 4 **PPDS scale-up**
Medium-ambition integration; align indicators
- 5 **National Data Spaces**
Evolve Contract Registers to feed PPDS
- 6 **Feedback & Skills**
Institutionalise feedback loops & capacity building

Overall: Europe's next step in procurement digitalisation should be governance-led.

From compliance by-product to trusted strategic asset



Pairing a clear governance structure with interoperable standards and practical implementation support lets the EU convert procurement data into a foundation for transparency, resilience, fair competition and innovation.

Thank you

Professor Pedro Telles

Copenhagen Business School



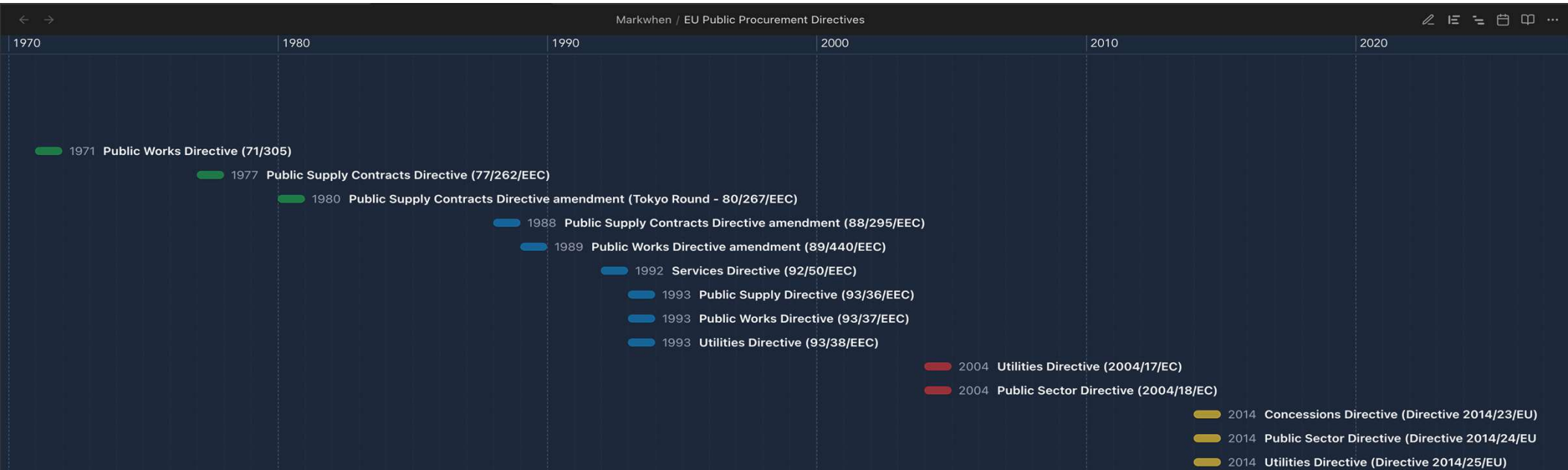
When the choice of legislative instrument matters:

Directive v Regulation



Differences between Directives and Regulations

	Directive	Regulation
Applicability	Commands to member States, not individuals/legal persons	Directly applicable (like any other law)
Implementation	Required via national law	Limited or none
Effect	(dis)Harmonisation and strategic divergence/non-compliance	Unification



EU regulated procurement for over 50 years via successive waves of Directives

Directives

Procurement Directives success (or lack of it)

Direct cross-border procurement	Percentage of contracts won by foreign
1960s	1-2%
2010s	2-5%

Developing trend of moving from Directives to Regulations within EU

D₂ A₁ T₁ A₁

CBS



Regulation benefits

- Opens up new regulatory equilibrium
- Some topics need a Regulation (European Preference, Digital infrastructure)
- Standardising rules...and practices
- Doing what could not be achieved before
- Providing procurement with enhanced degree of 'seriousness'...



...improving compliance and enforcement?

Thank you

Pedro Telles, Associate Professor, Copenhagen Business School

telles.eu (Weekly entries commenting on the draft Public Procurement Act)
Procurement Act)

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Competitive Procedures – Gian Luigi Albano

Flexibility on paper: how much was used?

We cannot tell whether the 2014 Directives gave enough flexibility. We lack hard evidence on how much of it buyers actually used.

Starting point

What the record shows

The Court of Auditors found competition for public contracts falling over a decade and single-bid procedures rising. The Commission's own evaluation adds that price-only awards still prevail.

What it does not show

Low uptake, if confirmed, would measure the cost of using flexibility (legal risk, review exposure, capacity), not its quantity. The Commission reads the same record as "lack of flexibility".

The Act's bet

Make negotiation a switch inside the default open procedure. That pays off only if the barrier was procedural complexity, not accountability risk.

The EU is the outlier on one dimension

Element	FAR Part 15 (US)	COM(2026) 590 (EU)	Procurement Act 2023 (UK)
Reserved switch	No discussions by default; may open them with a documented rationale	Negotiation announced; may award on first tenders after seeing them	Only if written into the published design
Award criteria	Revisable by amendment to all remaining offerors (15.206)	Frozen in the public summary (Art. 98(3), 102(1))	Refinable before final tenders if pre-announced (s. 24)"
"Shortlisting"	All the most highly rated, unless capped for efficiency if announced (15.306(c))	"May reduce" on award criteria, no cut-off rule or cap (Art. 33(3))	Tenders meeting requirements and best satisfying the criteria at that point (s. 20(6))
Who interprets	GAO: one fast, high-volume protest forum	Twenty-seven national review systems	Courts, plus procurement investigations (s. 108)

The EU freezes the rule and leaves the game open; the US and UK do the reverse (next slide). One point favours the EU: the binding quality floor in Art. 98 answers the US drift back to price.

Committing to the rule, or to the game?

Each non-commitment opens its own steering channel.

	Game committed	Game open
Rule committed	Survival auction: a candidate fix	EU: Art. 98(3), 33(3), 34(6)
Rule revisable	US: Part 15 with 15.206. UK: s. 20(1) with s. 24	Unconstrained discretion

EU: optional stopping

After seeing who leads, the buyer decides whether the first round was the last (Art. 34(6)). Bidders get no reply.

US and UK: optional re-weighting

Weights can be tuned once intermediate rounds reveal strengths; every remaining supplier then bids again (15.206; s. 24).

An open question: the EU froze what negotiation should learn about and left open how competition ends. Could a survival auction commit to both? Related theory (Albano, Germano and Lovo, *Economic Theory*, 2006) covers ascending auctions for multiple objects. Whether it extends to scored bids is not established.

EU Public Procurement Act Proposal – European Preference

Roberto Caranta, University of Turin

Marko Turudić, University of Zagreb



European preference in the PPA Proposal - context

- WTO GPA and Free Trade Agreements (Article 25 Directive 2014/24/EU)
- International Procurement Instrument, Foreign Subsidies Regulation, Anti-Coercion Instrument
- CJEU steps in – Kolin (C-652/22) and Qingdao (C-266/22)
- Both judgements bring much more uncertainty than solutions
- PPA Proposal – recital 33:
 - *In line with the case law of the Court of Justice of the European Union, in particular its judgments in Case C-652/22 (Kolin) and Case C-266/22 (Qingdao), the rights and principles derived from Union public procurement law do not extend to economic operators, goods, services or works originating in third countries that are not covered by such international commitments. **The same principle** should apply also to goods, including components of products procured, services or works originating in such countries. Building on **this principle**, this Regulation enables public buyers to apply European preference requirements, in line with the Union's international obligations.*

The raison d'être of the PPA

Article 5 Policy objectives

Public procurement shall be guided by the strategic policy objectives of the Union, in particular:

- (a) boosting the Union's competitiveness through a thriving internal market, advancing innovation and reinforcing the Union's manufacturing and clean industrial base;
- (b) the achievement of environmental and climate objectives of the Union;
- (c) the pursuit of social justice, fair working conditions and an inclusive society, including as fostered by social dialogue;
- (d) the Union's safety, security, resilience and economic security, including through strategic independence.**

(d) is the basis for Chapters 4 (security and resilience) and 5 (European preference)



European preference requirements

- Complete discretion of contracting authorities to:
 - restrict participation
 - reject a tender IN THE COURSE OF A PROCEDURE
 - require that goods services and works offered originate in the EU OR be 'covered'
 - implement price or score adjustments
- But discretion only in the absence of Commission delegated acts
- Commission may exclude covered e.g. as reprisal and **require** applying any of the **European preference requirements** in relation to not covered EOs, and subcontractors

e-procurement service providers AND National procurement data spaces

Art. 131 (4)

eProcurement service providers shall be established in the European Economic Area (EEA), shall be owned and controlled by natural or legal persons that are established in the EEA and no natural or legal person, established in a third country shall exercise, directly or indirectly, decisive influence over them.

eProcurement service providers shall store all data related to public procurement procedures conducted by public buyers pursuant to this Regulation in the EEA.

SAME for NPDS

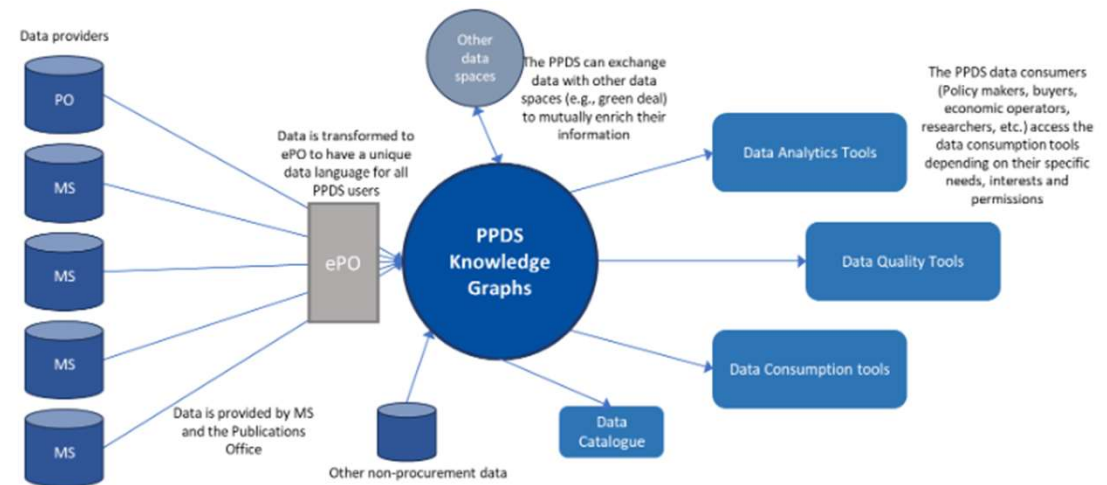


Figure 1. Architectural diagram of the PPDS.

Questions and Discussion

Questions for the Panel

1. What are the next steps in the legislative process?
2. What gaps remain in the proposed regulation?
3. What impact will the regulation have on localized innovation in procurement? Will Member States continue to have a role in writing their own rules?
4. What role will other European institutions – including the Court of Justice – play in implementing the new regulation?
5. What impact will the new regulation have on how public procurement is taught?
6. The EU Public Procurement Act contemplates an “eligibility service.” This is a critical development in sharing vendor information across borders.
 - Will it be used only for exclusion, or more broadly for qualification of vendors?
 - Will it be automatic?

Conclusion

Video recording of today's session will be available on GW Law – Government Procurement Law **YouTube Page** & **www.publicprocurementinternational.com**