(English version)

Question for written answer E-001619/25
to the Commission
Per Clausen (The Left)
(23 April 2025)

Subject: The EU, WTO and public-procurement thresholds

During the many debates about what is a needlessly low threshold for public procurement in the EU, including as regards the considerable administrative costs and burdens associated with tenders for which no-one submits bids because they involve such small amounts, one of a number assertions that have been made is that the EU will itself not be able to modify the threshold because of World Trade Organisation (WTO) rules and agreements, as described in Article 6 of the Procurement Directive ([1]). But can it really be true that the EU is not in a position to determine when public bodies in the EU and Member States should put contracts out to public tender?

Accordingly:

1. Can the Commission confirm that the EU is powerless to raise or lower thresholds for public procurement in the EU or in Member States without first securing a review of the public-procurement thresholds in the WTO Government Procurement Agreement?

2. What is the estimated amount of administrative costs that the EU and individual Member States could save if the threshold for public procurement were raised to EUR 1 million?

Submitted: 23.4.2025

Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(31 July 2025)

The thresholds reflect the international commitments of the EU in the Government Procurement Agreement (GPA) in the World Trade Organisation, which was negotiated also by the EU.

The EU international commitments have been agreed in exchange of reciprocal commitments from other trading partners. Below the thresholds of the Public Procurement Directives ([1]), in case of award of public contracts concerned by a cross-border interest, the Treaty principles still apply, notably with regard to open competition, non-discrimination, equal treatment and transparency ([2]).

The current EU thresholds range between EUR 143,000 for the majority of supply and services contracts by central contracting authorities and EUR 221 000 by subcentral contracting authorities, to EUR 5,538,000 for all works contracts and concessions, regardless of the awardee.

In the context of the revision of the EU public procurement legislative framework, the Commission intends to conduct an impact assessment, which should cover also the question of administrative costs and thresholds.

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[1] [1]https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024

([1]) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02014L0024-20180101, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02014L0025-20180101, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0023-20180101.

([2]) Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives, OJEU C179/2, 01.08.2006.