

(English version)

**Question for written answer E-001768/26
to the Commission
Merja Kyllönen (The Left)
(29 April 2026)**

Subject: The administrative burden and impact of the Procurement Directive on small operators

It is unclear whether it was the Commission's intention for the EU Procurement Directive to impose a significant administrative burden and transaction costs on small operators and to divert public funds towards expensive external expertise (procurement consultants). Operators are left wondering whether Member States' interpretations and application practices in this regard are in line with the original objectives of the directive and are in any way proportionate to the size of the operators or the authority — or lack thereof — they actually have.

With the above in mind:

1. Is the Commission intending to clarify the directive to the effect that public funding (e.g. a government grant) alone does not make an independent association or foundation a body governed by public law if the public authority does not actually exercise control?
2. Does the Commission see a need to reduce the administrative burden and transaction costs associated with procurement procedures, which can be disproportionate for small operators?
3. Can the Commission assess what impact the current rules have on competition, in particular as regards the participation of small businesses and new entrants in competitive tendering processes?

Submitted: 29.4.2026

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(29 July 2026)**

According to Article 2(4) of Directive 2014/24/EU ⁽¹⁾ public funding alone does not subject an organisation to the directive.

The Commission is committed to simplifying public procurement in the context of the modernisation of its legislative framework. Simplification is expected to further stimulate competition, including the participation of small and medium-sized enterprises (SMEs) in public procurement.

Although competition has been decreasing in some public procurement markets, participation of SMEs in public procurement contracts covered by the Public Procurement Directives ⁽²⁾ has increased over time. Between 2017 and 2024, SMEs accounted for the majority of bidders and were awarded 71% of the contracts ⁽³⁾. Overall, they secure around 55% of the value of procurement governed by the directives, estimated at around EUR 616 billion/year ⁽⁴⁾.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02014L0024-20260101>.

⁽²⁾ <https://public-buyers-community.ec.europa.eu/resources/public-procurement-directives>.

⁽³⁾ Ecorys, *Cost-Benefit Analysis on the quality and efficiency of public procurement procedures*, p. 16, 2025, <https://op.europa.eu/en/publication-detail/-/publication/d8e2e8e0-daf4-11f0-8da2-01aa75ed71a1/language-en>.

⁽⁴⁾ Commission: Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, *Public Procurement Indicators 2022*, p. 2, June 14, 2024, <https://ec.europa.eu/docsroom/documents/60615>.