



REVIEWS LEGAL INDUSTRY

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InHouse Practice

Adrian Manole
Zentiva

about how the success of a modern
Legal Manager depends less on legal
knowledge and more on crucial soft skills

INTERVIEW

Denisa Gogoriță,
Legal Director at **RetuRO SGR**
details the immense legal challenges in
establishing and maintaining Romania's
large-scale Deposit-Return System

Public Procurement Directives: Towards a New Chapter

Pending the revision of the EU Public Procurement Directives – with a legislative proposal being expected in Q 2 of 2026 – on October 14th, the European Commission has published its evaluation of the current legal framework, namely the 2014 Directives on Concessions, Public Procurement, and Utilities.

Following the guidelines of the Better Regulation Toolbox, the evaluation assesses the effectiveness, efficiency, relevance and coherence of the three Directives, taking also in consideration the results of the open public consultation launched earlier this year.

Main findings of the evaluation effectiveness

The evaluation shows that the objective of simplifying procedures was partially met, as 54.1% of stakeholders reported that the Directives did not lead to simpler rules. The administrative burden remains complex, exacerbated by additional national or sectoral requirements. Furthermore, the median time spent on tender evaluation, from submission deadline to award, actually increased from 58 days (2006-2010) to 62 days (2017-2024).

In market access, the Directives were found to be partly effective in maintaining competition. Thus, while the use of the open procedure increased to 82%, the frequency of single-bidder procedures remains unchanged. Also, direct cross-border participation remains low, at about 4% of awarded value, despite the legal framework on market access for EU companies being considered generally relevant and adequate.

Regarding strategic objectives (green, social, innovation), the voluntary approach led to uneven implementation across Member States. Although contracting authorities generally felt encouraged to pursue green and social procurement, they continued to rely on the lowest price criterion. Economic operators mirrored this ambivalence, showing mixed commitment to increasing environmental or social efforts.

Efficiency

The Directives were found to have generated overall net benefits for the EU public procurement system, stemming from improved transparency and reduced corruption risks. Thus, while direct administrative costs increased, the Directives seem to have enhanced value for money through competition, as every additional bid resulted into an average 2.5% reduction in the contract price. Thus, the evaluation suggests that the system's overall efficiency is



Ramona Pentilescu

(Counsel)

ramona.pentilescu@pnas.ro



Maria Dima

(Senior Associate)

maria.dima@pnas.ro

positive in terms of direct effects, as the gains in value for money significantly surpass the procedural burden.

Coherence

Internal coherence between the three Directives was found to be sufficient, with limited issues identified.

External coherence is a significant challenge. The proliferation of new procurement provisions embedded within external sectoral EU legal acts (e.g., Net-Zero Industry Act) has created a complex and fragmented regulatory framework, risking legal certainty.

Relevance

While the initial objectives, such as boosting competitiveness, simplifying rules, and promoting strategic goals, remain highly relevant today, particularly given Europe's competitiveness challenges, a majority of respondents believe Directives are not fit for purpose to contribute to EU strategic autonomy or the security of supply chains.

Lessons learned & proposals for action

In brief, the evaluation concludes that EU Public Procurement Directives have been partially effective in achieving their envisaged objectives. While the directives aimed to simplify procedures, promote flexibility, and facilitate market access, significant challenges remain, particularly concerning complexity, coherence, and the effective pursuit of strategic objectives.

More interestingly, in the context of the new emerging priorities related to EU strategic autonomy and economic security, the Commission emphasized that the future revision must allow for the introduction of a European preference approach in certain strategic sectors to support competitiveness, resilience, and security of supply.

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