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Deutsche Sozialversicherung  
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# Opinion from German Social Insurance issued 17 February 2026

on the Revision of the EU Public Procurement Directives

## I. Preliminary remark

The European public procurement directives significantly shape the design and practice of public procurement across the Member States. They pursue the objective of ensuring the efficient use of public funds, strengthening competition in the internal market, and safeguarding transparency and integrity in public spending. At the same time, the European Commission increasingly attributes strategic importance to public procurement, notably with regard to sustainability, innovation, social objectives, as well as enhancing Europe's resilience and strategic autonomy.

However, the practical implementation of these objectives is facing growing challenges. A high degree of regulatory density, increasing procedural complexity and rising legal uncertainty are undermining efficiency, competition and security of supply. At the same time, clear limits are emerging as regards the effective and legally sound use of public procurement as a strategic policy instrument. Procurement by public authorities can only contribute to a limited extent to strengthening strategic autonomy, pursuing social or environmental objectives, or promoting innovative approaches. Public procurement intervenes at the end of a possible policy intervention chain. By contrast, industrial policy instruments are capable of shaping underlying structural conditions and should therefore take precedence.

Against this background, the German Social Insurance (DSV) considers it necessary to review and further develop the existing procurement framework. The objective must be to simplify and flexibilise procurement procedures while ensuring that they allow for efficient, needs-based purchasing and at the same time support the strategic objectives of the European Union (EU). Through the present position paper, the DSV seeks to outline key reform proposals that should be taken into account in the forthcoming revision.

## II. Proposals

### 1 \_ **More Efficient Procurement Procedures**

The EU public procurement directives were adopted with the aim of ensuring the efficient use of public funds, contributing to strong competition in the internal market, and promoting transparency and integrity in public expenditure.

In practice, however, current market conditions present a different picture. In certain sectors, competition has decreased, as reflected inter alia in the growing number of procurement procedures with only a single bidder (“single-bid procedures”). At the same time, the overall number of procurement procedures has increased significantly. These procedures are now characterised by a very high level of regulatory detail, increasing both administrative burdens and barriers to market access for bidders. The highly differentiated regulatory framework established by the current directives has thus proven inefficient and gives rise to considerable legal uncertainty. As a result, needs-based procurement, cost-efficiency and timeliness are significantly impaired.

The DSV therefore proposes a fundamental and far-reaching deregulation of the public procurement process. The directives should primarily be limited to a small number of core elements:

- \_ the definition of general procurement principles;
- \_ the objective of awarding contracts on the basis of comparable offers;
- \_ and publication and information obligations that demonstrably serve transparency.

The detailed design of procedures should otherwise be left to contracting authorities, allowing for flexible implementation.

In this context, the existing remedies system should also be critically reassessed. The current extensive system of primary legal protection for economic operators in highly regulated procurement procedures, combined with the standstill obligation prior to contract award, encourages disputes over legal interpretation, review procedures and unnecessary delays.

Should the existing regulatory architecture be maintained, the DSV proposes the following adjustments:



- \_ The principles governing the award of contracts should explicitly include the interests of contracting authorities in ensuring efficient, adequate and secure provision of supply.
- \_ The extensive primary remedies available to potential bidders, in conjunction with the standstill obligation, should be reviewed. Remedies that obstruct procedures should be limited to serious and manifest infringements of procurement rules.
- \_ The EU thresholds for supply and service contracts should be significantly increased across almost all sectors.
- \_ Public-public cooperation should be strengthened – also beyond the strict in-house criteria – in order to enable the performance of tasks that public authorities can carry out themselves, using their own resources and on a non-profit basis.
- \_ The currently rigid procedural structures should be streamlined, for example through time-efficient negotiated procedures with a prior call for competition, admission/pooling systems followed by competition for specific contracts, or multi-operator framework agreements. Where a call for competition remains necessary, application deadlines should be shortened. The framework for negotiations on tenders, including prices and procurement documents, should be designed in a practical and legally robust manner.
- \_ The EU should make use of its competences to significantly reduce documentation and statistical reporting obligations.
- \_ In the interest of IT security and digital sovereignty, procurement procedures must be designed in such a way that, while ensuring the transparency necessary for effective competition, adequate protection of critical IT infrastructure is guaranteed.
- \_ A single European procurement platform should be established, combining both the functionality of a bidder interface and the publication function currently performed by the Official Journal of the European Union. Economic operators would then only need to register on one marketplace in order to submit tenders, and discrepancies between notices published in the Official Journal and on individual procurement platforms would be eliminated.



## **2 \_ Public Procurement as a Strategic Instrument**

A further objective of the revision of the European procurement directives is to strengthen the use of public procurement as a strategic tool for pursuing policy objectives and to make the European economy more sustainable, socially responsible and innovative. While progress has been made in this regard, implementation across the EU remains highly uneven – a finding also reflected in the European Commission's evaluation of the procurement directives.

Moreover, changing geopolitical circumstances have brought to the forefront the need to safeguard Europe's resilience and reduce dependencies on suppliers from third countries.

Under the current procurement framework, qualitative award criteria may already be applied alongside price. In Germany, for example, this approach is used in the procurement of antibiotic medicinal products. In practice, however, the application of non-price award criteria reaches its limits where appropriate certification mechanisms are lacking, preventing legally secure evaluation and award decisions.

In order to ensure flexibility and needs-based procurement, the DSV considers that the use of non-price award criteria should in principle remain voluntary for contracting authorities. Mandatory requirements would reduce flexibility and entail additional administrative burdens.

At the same time, legal certainty in the application of qualitative award criteria must be strengthened. To this end, appropriate and procurement-compliant instruments – such as systems of proof and certification, certificates or technical specifications – should be provided and further developed.

Security of supply, particularly in the pharmaceutical sector, can for example be reinforced through additional procurement-compliant instruments. These may include enhanced evidence requirements regarding bidders' supply capacity or location requirements for production and storage facilities.

Finally, the European procurement directives should contribute to strengthening the strategic autonomy of the EU.

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## About us

The German Federal Pension Insurance (DRV Bund), the German Social Accident Insurance (DGUV), the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband), the national associations for statutory health and long-term care insurance funds at the federal level and the Social Insurance for Agriculture, Forestry and Horticulture (SVLFG) have joined forces to form the "German Social Insurance - Working Group Europe" (Deutsche Sozialversicherung Arbeitsgemeinschaft Europa e. V.) with a view to their common European policy interests. The association represents the interests of its members vis-à-vis the bodies of the European Union (EU) as well as other European institutions and advises the relevant stakeholders in the context of current legislative projects and initiatives. As part of the statutory insurance system in Germany, health and long-term care insurance with 75 million insured persons, pension insurance with 57 million insured persons and accident insurance with more than 70 million insured persons in 5.2 million member companies offer effective protection against the consequences of major risks of life.