

25/01/2026

## Statement: Revision of EU rules on public procurement (Ares(2025)9425851)

### Introduction:

BEDA – The Bureau of European Design Associations – welcomes the initiative of the European Commission regarding the Revision of EU rules on public procurement (Ares(2025)9425851).

Public procurement represents a significant share of EU GDP and is a key lever for competitiveness, sustainability and innovation. The planned revision of EU procurement rules offers an opportunity to strengthen this role while safeguarding the internal market and fair competition for businesses, including Micro-SMEs and SMEs.

### Current Challenges:

- EU public procurement law requires public contracting authorities to award contracts foremost to the most economically advantageous tender (MEAT), however, contracts are often awarded solely based on the lowest price.
- Fragmentation across Member States; Procurement processes are poorly suited to knowledge-intensive and design-led services.
- Lack of flexibility to foster innovation and essential processes in design, such as iterative development processes

The Commission Staff Working Document on the evaluation of the directives 2014/23-25/EU states:

„Even with a wide range of procedures available, nearly half of the respondents (49.3%, 342 replies) in the OPC expressed dissatisfaction with the level of flexibility provided by the Directives (e.g. a broader choice of procedures and procurement techniques), against 31.3% (217 replies) indicating that sufficient flexibility in the public procurement system was provided [...]. Among the most dissatisfied stakeholder groups were public authorities, business associations and companies, with 56.1%, 46.8% and 46.2% negative replies, [...]. This is often linked to the fact that Directive 2014/24/EU only allows negotiations in limited circumstances, such as justified technical difficulties (competitive procedure with negotiation) or extreme urgency (negotiated procedure without publication), which in fact limit the flexibility of contracting authorities.“ <sup>(1)</sup>

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„[...] existing procurement processes often lack the flexibility to accommodate iterative development, co-design, and phased implementation – approaches particularly suited to innovative projects and necessary to achieve the potential of public procurement as an investment tool.“ <sup>(1)</sup>

- under recognition of the specific nature of Design in the procurement framework, and
- Usability and accessibility of procurement processes are currently complex in language and framework.

**Design enhances European competitiveness – to foster this, Design quality should be systematically reinforced through public procurement.**

The Creative Cultural Sector and in particular Design, as listed in the ‘Hartung-Report’<sup>(2)</sup>

“contribute to long-term economic and social values while significantly contributing CCS’s 1.9 million companies generated a turnover of EUR 448 billion with a value added of EUR 183 billion”

to the European GDP and European competitiveness. In order to achieve the strategic goals of environmentally oriented, socially responsible, and innovation-promoting procurement, non-price criteria such as usability<sup>(2)</sup>, accessibility<sup>(3,4)</sup> and aesthetics<sup>(5)</sup> – short: value for money – should play a crucial role in the public procurement of goods and services. In principle, procurement procedures should enable solutions that are human- and planetary-centred and of high Design quality.

**Recommendation:**

Regulations should incentivize and promote quality criteria.

**European Design deserves a level playing field**

Public procurement and trade frameworks should be coherent with internal market objectives and be fostered through a single-market approach.

**Recommendation:**

Ensure transparent rules throughout, market access, and respect for international commitments allowing European design to compete fairly and promote its added value globally. Harmonize the NACE (Nomenclature statistique des activités économiques dans la Communauté européenne) with the international classification of occupations (International Standard Classification of Occupations ISCO-08).

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### **IP and Copyright for Design strengthens European competitiveness**

Additionally, trade-related procurement policies should safeguard fair competition for European design products and services.

**Recommendation:**

Protecting intellectual property and design-related value creation supports innovation, legal certainty, and the global competitiveness of European design businesses.

### **Innovation-friendly procedures require legal clarity and flexibility**

The evaluation of existing directives shows that current procedures are often perceived as too rigid for innovative, knowledge-intensive services.

**Recommendation:**

Foster innovation, clearer guidance and simplified procedures, along with greater flexibility while preserving accountability and control mechanisms. BEDA recommends upskilling current awarding bodies through cooperation with national industry associations.

### **Integrate Design in Procurement**

Establish clear guidelines for public procurement processes that consider design and functionality.

**Recommendation:**

Ensure that public projects are more efficient, aesthetically pleasing, user-friendly, and sustainable and decrease bureaucratic processes. Design-led procurement supports EU objectives on sustainability, digitalisation, accessibility and competitiveness by improving long-term outcomes rather than short-term cost savings.

### **Guidance and support for contracting authorities**

**Recommendation:**

Introduce guidance and support encouraging contracting authorities, through cooperation with national design industry associations or design centres, to use quality-based commissioning for design-intensive services, communications and products (like for instance early market engagement, negotiated procedures, software development, digital and analogue products, games, textiles and more), especially where innovation, sustainability or user experience is critical.

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1. European Commission, SWD(2025) 332 final, 14.10.2025 (page 15f, page 40)  
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025SC0332>
2. European Commission. Directorate General for Research and Innovation.  
Unleashing the Potential of the Cultural and Creative Industries. Publications  
Office, 2025. <https://doi.org/10.2777/0306127>.
3. EN ISO 9241-110/-210
4. WCAG 2.1
5. EN 301549
6. See Instrument: ‘New European Bauhaus’

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### About BEDA

**BEDA** – The Bureau of Design Associations – is a not-for-profit organisation, founded in 1969 and is based in Brussels,

**BEDA** 50+ members spanning 28 European countries representing thousands of Designers.

**BEDA** Members include publicly funded design organisations plus professional and trade associations, all of whom promote pioneering design nationally or regionally.

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