

# CCIA Europe Response to the European Commission's Call for Evidence Improving the principles guiding EU public procurement reforms

January 2026

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to contribute to the European Commission's call for evidence regarding the reform of EU public procurement rules. As the European Union accelerates its digital transformation, public procurement serves as a vital strategic lever to enhance the Union's competitiveness, resilience, and innovation.

CCIA Europe advocates for an ambitious reform agenda centered on fostering robust competition, empowering public sector entities in their digital expansion, and ultimately rewarding innovative firms that deliver the highest value for taxpayers' money. To ensure that the updated framework effectively supports the EU's long-term economic and digital goals, we urge the Commission to base its reforms on the following core guiding principles.

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## I. Prioritise procurement simplification and harmonisation

*Establishing a unified, efficient, and transparent procurement process is essential to reduce administrative burdens and encourage a broader range of innovative participants.*

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## II. Avoid restrictive 'Buy European' mandates

*Avoiding restrictive, protectionist mandates ensures that European public authorities retain access to world-class, cutting-edge technologies from a diverse global marketplace.*

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## III. Refine 'Made in Europe' to balance out strategic resilience with market openness

*Refining 'Made in Europe' criteria to reward genuine EU-added value, rather than geographic origin alone, will strengthen the European industrial base through cooperation and R&D excellence.*

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By adhering to these principles, the European Commission can create a procurement landscape that not only drives innovation but also reinforces the EU's standing as a leader in the global digital economy.

## I. Prioritise procurement simplification and harmonisation

*Establishing a unified, efficient, and transparent procurement process is essential to reduce administrative burdens and encourage a broader range of innovative participants.*

The most critical pillar of modernising public procurement is the fundamental simplification and harmonisation of existing rules. To ensure the EU remains a competitive and attractive market, policymakers must prioritise clarity and administrative efficiency over the introduction of new, complex layers of regulation. Increasing the complexity of the procurement framework, particularly through opaque local preference criteria, diminishes competition by creating prohibitive barriers for innovative entrants who lack the resources to navigate excessive red tape.

A unified approach across all Member States would reduce the current chilling effect on bidders, ensuring that the Single Market functions as a cohesive, high-performance engine for growth rather than a fragmented collection of national barriers.

In practical terms, simplification must be supported by concrete, operational tools. The European Commission should facilitate the development of standardised ‘cloud-ready’ contractual frameworks that address key issues such as service reliability, data portability, and exit arrangements. Providing public authorities with pre-approved, interoperable templates would significantly reduce legal uncertainty and avoid the need for contracting authorities to repeatedly reconstruct complex provisions on a case-by-case basis.

At the same time, digitalisation of administrative procedures must move beyond fragmented national solutions. The establishment of a centralised, EU-level portal – which includes Foreign Subsidies Regulation declarations – would give economic operators a single, secure interface for submitting and updating required information. By consolidating sensitive reporting obligations within a trusted digital infrastructure, the Union can reduce administrative duplication, strengthen compliance, and reinforce confidence in cross-border data exchanges.

More broadly, simplification efforts must reconcile the rigidity of traditional administrative law with the speed and standardisation of digital and cloud-based markets. Procurement policy should reflect technological realities, enabling public buyers to move beyond box-ticking and lowest-price logic, and instead select the tools that best serve their public-interest mission and deliver real value for taxpayers. That value lies first in performance, reliability, and security. Only then in price.

## II. Avoid restrictive ‘Buy European’ mandates

*Avoiding restrictive, protectionist mandates ensures that European public authorities retain access to world-class, cutting-edge technologies from a diverse global marketplace.*

As the European Commission contemplates the introduction of preferential treatment for products manufactured and services managed within the European Union, it must carefully consider the significant systemic downsides of restrictive rules that risk producing the exact opposite of their intended effects. A primary concern is that overly restrictive ‘Buy European’ mandates do not merely reduce competition from foreign entities; they frequently reward established local incumbents at the expense of more agile European

innovators. When public procurement is designed to favour geographic origin over technical merit, the process shifts from a search for the best solution to an exercise in engineering compliance narratives. Over time, this shift diverts both public and private resources away from genuine innovation and towards regulatory arbitrage, ultimately eroding trust in the efficacy of procurements in Europe.

Furthermore, if country-of-origin — whether articulated through explicit mandates or embedded within more elusive qualitative criteria under the Most Economically Advantageous Tender (MEAT) and Best Price-Quality Ratio (BPQR) frameworks — becomes the default starting point for participation, then product superiority and taxpayer value are effectively sidelined.

By excluding world-class global providers, the European Union would unnecessarily limit European public sectors' bodies to some of the most advanced, efficient, and innovative technologies currently available on the market. Prioritising geographic location over technical excellence risks saddling European public services with legacy technologies while the rest of the world continues to move forward with cutting-edge digital infrastructure.

From a trade partnership perspective, introducing broad 'Buy European' exclusionary or preferential criteria risks undermining the Union's ability to engage in meaningful bilateral and digital trade agreements with partner countries. Such a move would also place the EU in direct contradiction with its binding commitments under the World Trade Organisation's Government Procurement Agreement (GPA).<sup>1</sup>

As the Commission is fully aware, the EU has undertaken broad GPA obligations covering a range of services and products — such as cloud computing — by committing to national treatment and market access for "Computer and Related Services," identified under Central Products Classification (CPC) Section 84.<sup>2</sup> There is a broad international consensus that this category includes various ICT services, including cloud and AI-powered solutions, as evidenced by the EU-championed Understanding on the Scope and Coverage of CPC 84.

Based on these existing commitments, foreign ICT companies are entitled to access the EU market on terms no less favourable than those available to domestic companies, and any deviation from this principle would precipitate a clear conflict with the EU's international trade obligations.

The scale of these obligations is significant, as the EU's GPA schedule covers over 1,000 specific government entities, including the Commission itself and a wide range of ministries and agencies across every Member State. While entity coverage varies slightly by country, the majority of Member States include almost every major governmental body within these non-discrimination requirements. Implementing local-preference mandates would therefore not only invite legal challenges but also risk retaliatory measures against European firms operating in foreign markets, ultimately harming the global competitiveness of the European digital sector.

<sup>1</sup> <https://e-gpa.wto.org/en/GPACoverage/Annex5/19>

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[https://docs.wto.org/dol2fe/Pages/FE\\_Search/FE\\_S\\_S009-DP.aspx?language=E&CatalogueIdList=81272,77348,56640,1052,1,78671&CurrentCatalogueIdIndex=4&FullTextHash=371857150&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=81272,77348,56640,1052,1,78671&CurrentCatalogueIdIndex=4&FullTextHash=371857150&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True)

### III. Refine ‘Made in Europe’ to balance out strategic resilience with market openness

*Refining ‘Made in Europe’ criteria to reward genuine EU-added value, rather than geographic origin alone, will strengthen the European industrial base through cooperation and R&D excellence.*

Building on the principles of strategic cooperation and economic openness, the European Union can implement a ‘Made in Europe’ framework that strengthens its industrial base without resorting to isolationist, economically counterproductive protectionism. A constructive approach should prioritise EU-added value by rewarding quality investments rather than imposing rigid exclusionary mandates.

By focusing on non-discriminatory award criteria, rather than restrictive pre-qualification barriers, the Commission can incentivise global companies to deepen their roots in the European economy through local workforce engagement, R&D collaboration, and partnerships with European innovators. This model encourages all market participants to provide tangible contributions to Europe’s growth while ensuring that public authorities retain access to the best-in-class technologies necessary for a modern digital economy.

Central to a non-protectionist implementation is the establishment of a standard ‘EU Trusted Partner List’. Such a mechanism would provide immediate legal certainty to contracting authorities by whitelisting suppliers from likeminded jurisdictions and those already adhering to existing security and trade frameworks, such as the WTO Government Procurement Agreement (GPA), the range of EU’s trade arrangements, OECD participation, as well as mutual recognition agreements signifying trust of each other’s regulatory framework in different areas.<sup>3</sup>

By synchronising its economic security policies with those of its international partners, the EU can effectively mitigate genuine risks — such as those posed by non-market practices or high-risk entities — without creating a chilling effect that discourages investment from long-standing partners.

To remain resilient in the face of supply-chain disruptions, the EU should also adopt flexible partnership mechanisms, including a robust and transparent waiver system. Inspiration can be drawn from international models where domestic preferences are balanced with administrative exceptions based on the non-availability of materials, unreasonable costs, or the broader public interest. Such flexibility ensures that Europe’s pursuit of ‘strategic autonomy’ does not inadvertently lead to shortages or price shocks for essential public services. Ultimately, by deepening productive cooperation in public procurement and funding with trusted global partners, the EU can achieve a level of scale and resilience that isolationism cannot provide, securing its position as a competitive, open, and leading node in the global economy.

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[https://single-market-economy.ec.europa.eu/single-market/goods/international-aspects/mutual-recognition-agreements\\_en](https://single-market-economy.ec.europa.eu/single-market/goods/international-aspects/mutual-recognition-agreements_en)

## About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

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