1. The Commission monitors Member States’ compliance with EU Public Procurement (PP) law through an array of tools ranging from preventive measures and early problem-solving to pro-active monitoring and targeted enforcement, in line with the Communication on ‘EU law: Better results through better application’\(^1\).

To assist Member States and public buyers to address the impact of the crisis, the Commission issued in 2020 a Guidance on using the PP framework in the emergency situation related to the COVID-19 outbreak\(^2\). It keeps supporting Member States bilaterally, and through the Commission Government Experts Group on Public Procurement.

2. Member States have to notify to the Commission their national measures implementing their obligations under the PP Directives\(^3\), for their assessment. Since the national measures listed by the Honourable Member\(^4\) were not properly notified, the Commission is seeking proper notification from the Greek authorities by September 2022 at the latest and will evaluate the appropriate follow-up actions, subject to their response.

The Commission shares the Honourable Member’s concern about the quality of the PP legal environment and potential ensuing issues for the functioning of the national PP system in case of dispersed legislation acts and instability caused by the frequent modifications of the PP law.

The low quality of national procurement legislation may put in question full adherence to the principles of equal treatment, non-discrimination, proportionality and transparency, enshrined in the said Directives, which are the necessary elements for ensuring the effective use of public funds by increasing competition and minimising the risk of public funds being wasted.

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\(^1\) Communication from the Commission — EU law: Better results through better application C/2016/8600 OJ C 18, 19.1.2017.


\(^3\) Directive 2014/24/EU on public procurement; Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors; Directive 2014/23/EU on the award of concession contracts.

\(^4\) Article 9 of Law 4643/2019, Article 48 of Law 4758/2020, Article 6 of Law 4892/2022, Article 16 of Law 998/1979 as amended by the Order of 13 August 2021, Article 72(17) and Article 90 of Law 4914/2022, Article 89 of Law 4916/2022.