T.C.
TİCARET BAKANLIĞI
Uluslararası Anlaşmalar ve Avrupa Birliği Genel Müdürlüğü

Sayı : E-79668890-749-00115416131
Konu : AB Kamu Alımları Mevzuatı Revizyonu
Kamu İstişare Süreci

DAĞITIM YERLERİNE

Malumları olduğu üzere, AB sanayi için acil bir dönüşüm planı niteliğinde kurgulanan Temiz Sanayi Mutabakatı kapsamında, Avrupa Komisyonu, mevcut AB kamu alımları kurallarının 2026 yılında revize edilmesini planladığını duyurmuştur. Temiz Sanayi Anlaşması kapsamında yapılacak bu revizyon ile, stratejik sektörlerde kamu alımlarında **sürdürülebilirlik**, **dirençlilik** ve **Avrupa önceliği** kriterlerinin kullanılması amaçlanmıştır. Nitekim, Komisyon Başkanı Ursula Von der Leyen, 2025 Birliğin Durumu konuşmasında kamu alımlarında "Avrupa'da Üretilmiş" (*Made in Europe*) kriterlerinin kullanılacağı yönündeki hedefi teyit etmiştir.

Öte yandan, Tek Pazar Stratejisinde de belirtildiği üzere, revizyon ile kamu alımlarına ilişkin mevcut dağınık ve karmaşık düzenlemelerin merkezileştirilmesi ve basitleştirilmesi amaçlanmaktadır. Bu kapsamda, Avrupa Komisyonu tarafından 3 Kasım 2025 tarihinde kamu alımları mevzuatının revizyonuna ilişkin kamu istişare süreci" başlatılmıştır.

Söz konusu Görüş Çağrısında (Ek-1):

- Avrupa Birliği genelinde kamu otoritelerinin, her yıl 2.6 trilyon Avrodan fazla (AB GSYH'sinin yaklaşık %15'i) tutarda hizmet, yapım işi ve malzeme alımı gerçekleştirdiği, bu tutarın yaklaşık 600 milyar Avroluk kısmının AB kurallarına tabi olduğu ve AB İhale Elektronik Günlüğünde (*TED-Tenders Electronic Daily*) yayınlandığı,

- 2014 tarihli kamu alımları direktiflerine ilişkin yapılan değerlendirmede, bu düzenlemelerin hedeflenen amaçlarına yalnızca kısmen ulaşabildiği ve çeşitli sorunların devam ettiği,

- Mevcut sistemin aşırı karmaşık, uzun ve katı prosedürleri sebebiyle etkin çalışmadığı,

- Şirketlerin sınır ötesi faaliyet yürütme imkanlarının pazara erişim engelleri nedeniyle sınırlı kaldığı,

- Kamu alımı mevzuatındaki malzeme kısıtlamaları, parçalı ve tutarsız gereklilikler nedeniyle kamu alımlarının yenilikçilik, sosyal ve çevresel sürdürülebilirlik gibi AB'nin stratejik politika hedeflerini desteklemesini güçleştirdiği,

- Farklı idareler arasında kapasite farklılıkları, birbirine entegre olmayan çok sayıda ihale portalı, düşük kaliteli veya eksik veri gibi unsurların AB'de kamu alımlarının yönetişim yapısını zayıflattığı,

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- Kamu alımlarının AB düzeyinde etkin bir kamu yatırım stratejisinin temel unsuru haline getirilmesinin ve bu kapsamda basit, esnek ve tutarlı kamu alımı prosedürlerinin güçlendirilmesinin, şeffaflığın artırılmasının ve yolsuzluk ile rekabete aykırı uygulamaların önlenmesinin hedeflendiği,

- Stratejik sektörlerde **"Avrupa'da Üretilmiştir (Made in Europe)"** kriterlerinin kamu alımlarına entegre edilmesi yoluyla, AB'nin ekonomik güvenliğinin güçlendirmesinin, kamu alımı politikasını özellikle sosyal ve çevresel sürdürülebilirlik alanlarında AB'nin stratejik politika hedefleriyle uyumlu hale getirilmesinin amaçlandığı,

belirtilmektedir.

Bu kapsamda belirlenen özel hedefler aşağıda yer almaktadır:

- **Kamu yatırımlarının daha verimli hale getirilmesi:**

(i) Kamu alımı prosedürlerinin basitleştirilmesi, hızlandırılması, esnekliğinin artırılması ve hem kamu alıcıları hem de özellikle KOBİ'ler açısından idari yükün azaltılması,

(ii) Tutarlı ve uyumlu bir hukuki çerçeve oluşturulması,

(iii) Dijital bir AB kamu alımı pazaryeri kurulması (Bu sayede ekonomik işletmelerin tüm kamu alımı süreçlerine ve veri paylaşımına tek giriş noktasından erişim sağlaması)

- **Ekonomik güvenlik ve egemenliği güçlendirecek araçlar tasarlanması:**

  Stratejik sektörlerde, uluslararası hukuk yükümlülükleriyle uyumlu şekilde, "Avrupa'da Üretilmiştir" kriterlerinin gönüllü veya zorunlu olarak kamu alımı süreçlerine dahil edilmesiyle AB'nin ekonomik güvenliğinin, egemenliğinin ve dayanıklılığının artırılması

- **Kamu alımı politikasını AB'nin stratejik politika ve hedefleriyle uyumlu hale getirilmesi:**

  Kamu alımı politikasının, özellikle yeşil dönüşüm, sosyal politika ve yenilikçilik alanlarında AB'nin stratejik hedefleriyle uyumlu hale getirilmesi,

  Bu amaç doğrultusunda, rehberler, iyi uygulama örnekleri gibi yasama dışı tedbirlerden başlayarak, mevcut mevzuatta hedefe yönelik iyileştirmeler yapılması veya ihale süreçlerine zorunlu kriterler getirilmesi gibi yasama temelli önlemlerin de değerlendirilebilmesi,

söz konusudur.

Görüş verme süresi 26 Ocak 2026 tarihine kadar sürecek olan Görüş Çağrısı sürecine ilişkin ayrıntılı bilgilere aşağıdaki linkten ulaşılması mümkündür.

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15492-EU-public-procurement-rules-revision_en

Bilgilerini ve kamu danışma sürecine varsa görüşlerin yukarıdaki link üzerinden bildirilmesinin ardından, koordinasyonu sağlamak üzere tarafımıza da bilgi verilmesi hususunda gereğini rica ederim.

Fatma Canan NİLÜFER DORA
Bakan a.
Genel Müdür Yardımcısı

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Ek: Revision of EU rules on public procurement

Dağıtım:

Türkiye Odalar ve Borsalar Birliği Genel Sekreterliğine (TOBB)
Türkiye İhracatçılar Meclisine (TİM)
Deik Dış Ekonomik İlişkiler Kuruluna (DEİK)
Türk Sanayici ve İşadamları Derneği Genel Sekreterliği (TÜSİAD)
Müstakil Sanayici ve İşadamları Derneği Genel Sekreterliğine (MÜSİAD)
Türkiye İşveren Sendikaları Konfederasyonuna (TİSK)
Uluslararası Yatırımcılar Derneğine (YASED)
Organize Sanayi Bölgeleri Üst Kuruluşuna (OSBÜK)
Türkiye Plastik Sanayicileri Araştırma, Geliştirme ve Eğitim Vakfına (PAGEV)
Türkiye Çelik Üreticileri Derneğine
Otomotiv Sanayii Derneğine (OSD)

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European Commission

CALL FOR EVIDENCE FOR AN IMPACT ASSESSMENT

This document aims to inform the public and stakeholders on the Commission's future legislative work so they can provide feedback on the Commission's understanding of the problem and possible solutions, and share any relevant information that they may have, including on possible impacts of the different options.

TITLE OF THE INITIATIVE	Revision of EU rules on public procurement
LEAD DG – RESPONSIBLE UNIT	DG GROW D.2
LIKELY TYPE OF INITIATIVE	Legislative
INDICATIVE TIMETABLE	Q2-2026
ADDITIONAL INFORMATION	Website covering the policy area: Public procurement - European Commission

This document is for information purposes only. It does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described, including its timing, are subject to change.

A. Political context, problem definition and subsidiarity check

Political context

Public authorities across the EU spend over EUR 2.6 trillion annually on the purchases of services, works and supplies, accounting for around 15% of the EU GDP[1]. Around one quarter of the total procurement value is subject to EU rules and published in the EU Tenders Electronic Daily (TED). This amounts to approximately EUR 600 billion, around three times the size of the EU budget.

The European Commission announced a revision of the current EU rules on public procurement to be presented in 2026. As outlined in the Clean Industrial Deal, the revision will allow for sustainability, resilience and European preference criteria in EU public procurement for strategic sectors. As announced in the Single Market Strategy, it will also centralise and streamline the fragmented and complex public procurement provisions across different pieces of legislation, to simplify application by contracting authorities. Commission President Ursula Von der Leyen confirmed during the 2025 State of the Union address the ambition to use 'Made in Europe' criteria in public procurement. Executive Vice-President Séjourné underlined the need to simplify and modernise the existing rules and the potential of public procurement as part of the European investment strategy to strengthen EU competitiveness, resilience and economic security. The reports by Enrico Letta (Much More Than a Market) and Mario Draghi (The Future of European Competitiveness) moreover highlighted the need to make better use of public procurement to support the European Single Market, strengthen competitiveness and promote strategic autonomy and sustainability.

In preparation of the reform, the Commission carried out an evaluation of the three existing Public Procurement Directives (Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement, and Directive 2014/25/EU on Utilities) to assess if these rules are fit for purpose.[2]

Please note that this consultation does not cover rules related to defence procurement or the EU Remedies Directive. These areas are outside the scope of this review.

Problem the initiative aims to tackle

The evaluation of the 2014 public procurement directives concluded that their intended objectives have only been partially met, and several problems remain: legal clarity and flexibility did not improve, new sector-specific rules added complexity to the legal framework, transparency levels increased but corruption risks and data gaps remain, competition levels can be further enhanced, direct cross-border participation

[1] Home | Public Procurement Data Space

[2] https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2025)332&lang=en

remains limited, and environmental, social and innovation procurement uptake, while progressing, remains uneven. At the same time, new priorities such as economic security and strategic autonomy have emerged and are accentuated by recent geopolitical developments.

Therefore, the current EU public procurement legal framework continues to face significant challenges primarily related to its ability to channel public investment and spending efficiently and support EU strategic policy priorities. These problems stem from several underlying causes:

1. Complexity, incoherence and legal uncertainty of the legal framework: the procurement process is hindered by overly complex, lengthy and inflexible procedures as well as concerns about legal coherence with procurement provisions in other EU legislation.
2. European value added is below potential: opportunities for companies to operate across borders remain limited due to the presence of market access barriers preventing cross-border participation. Additionally, imbalances in international market access persist.
3. Uneven strategic policy impact: material restrictions and fragmented and inconsistent requirements in EU procurement law make it difficult to use public procurement as a lever for EU strategic policy objectives, e.g. to support innovation and social and environmental sustainability.
4. Weaknesses in governance: uneven capacities across contracting authorities and a plethora of procurement portals that are neither interconnected nor interoperable, in combination with poor-quality data and data gaps contribute to a weak governance model of public procurement in the EU.

Legal basis

Article 114 of the Treaty on the Functioning of the European Union (TFEU) provides the legal basis for the EU to act in the area of public procurement, enabling the establishment and functioning of the internal market. This competence is shared with the Member States, as stated in Article 4(2)(a) TFEU. On this foundation, the EU is empowered to take measures to harmonise and simplify public procurement rules, thereby promoting a level playing field and facilitating the free movement of goods and services within the EU.

Practical need for EU action

The size of the European procurement market, equivalent to about 15% of EU GDP, is evidence of the clear potential of a coordinated EU approach in efficiently channelling investment in line with EU strategic priorities, while promoting a level playing field and ensuring fair competition in the Single Market.

The problem cannot be adequately addressed by Member States due to the need for regulatory simplification and harmonisation across the EU. A more harmonised and simpler EU framework makes it easier for businesses to operate across borders, opening opportunities for companies, while allowing for more competition and delivering high-quality value-for-money goods, services and works to citizens.

As recent crises (such as the COVID-19 pandemic and more recent geopolitical events) have shown, the importance of having resilient and reliable supply chains is essential. By promoting a coordinated approach to public procurement, the EU can create a faster, more coordinated framework to increase the efficiency of the investments that reduce its external dependence and ensure that critical infrastructures, goods, and services are resilient and secured. This is of particular importance in strategic sectors and industries. Only EU-level action can create sizeable lead markets for sustainable and innovative solutions, while upholding social standards.

B. Objectives and policy options

The initiative aims to make public procurement an essential element of an efficient public investment strategy by enhancing simple, flexible and coherent public procurement procedures as well as transparency and preventing corruption and anti-competitive practices. It intends to support EU economic security and sovereignty by integrating Made in Europe criteria in strategic sectors and align the public

procurement policy with EU strategic policy objectives, notably regarding social and environmental sustainability. The initiative thus seeks to strengthen the current public procurement framework (baseline scenario) through either legislative or non-legislative measures, or a combination of both. Specific objectives include:

- **Making public investment more efficient:**
  Achieve greater efficiency by means of (i) simplifying procurement procedures making them faster and more flexible and reducing administrative burden for both public buyers and economic operators, in particular SMEs, (ii) a consistent and coherent legal framework, (iii) a digital EU procurement marketplace, which can entail developing a digital public procurement marketplace with a single entry point for economic operators to public procurement procedures and data sharing (legislative and non-legislative options).

- **Designing tools to strengthen economic security and sovereignty:**
  Strengthen EU economic security, sovereignty and resilience by introducing Made in Europe criteria, on either a voluntary or a mandatory basis, for strategic sectors, and in line with international legal commitments (legislative and non-legislative options).

- **Aligning public procurement policy with EU strategic policies and objectives:**
  The alignment of public procurement policy with EU strategic goals is pursued primarily across three areas: green, social, and innovation. To advance these objectives, a range of measures may be envisaged ranging from non-legislative options (guidance, best practice) to either targeted improvements of existing legislation or the introduction of mandatory criteria in the procurement procedures (legislative options).

C. Likely impacts

The revision of the EU rules on public procurement aims to create a simpler, faster, and more transparent framework that would benefit contracting authorities by reducing administrative costs, enabling them to make a more strategic use of procurement thereby supporting public investment strategy, and increasing efficiency in the overall procurement process.

The revision is expected to benefit contracting authorities by allowing them to better use public procurement in a strategic manner, according to their environmental, social and innovation overarching strategies. Businesses, including SMEs are also expected to significantly benefit from the revision process. The reduced administrative burden and improved legal clarity would enable them to reduce costs and allocate more resources, including time and human resources, to core business activities. Additionally, the simplified procedures and increased transparency would provide easier access to cross-border business opportunities in the Single Market, allowing businesses to expand their customer base and increase their competitiveness.

Citizens would benefit from the revised EU rules on public procurement through improved public goods, products and services, and better value for money. The reform would contribute to ensure that taxpayers' money is used wisely, and with increased transparency and accountability mechanisms, thereby boosting confidence in public authorities.

The initiative would encourage environmentally sustainable procurement practices, contributing to reduced carbon emissions and resource use, aligning with EU environmental goals. It would also address fundamental rights and social standards.

The impacts are expected to vary across central, regional and local levels, benefiting areas with less efficient procurement practices more substantially.

The initiative aligns with several Sustainable Development Goals (SDGs), notably SDG 8 on economic growth, SDG 9 on innovation, SDG 10 on reducing inequalities and SDG 12 on responsible consumption, aiming for a sustainable and equitable procurement framework across the EU.

D. Better regulation instruments

Impact assessment

The Commission will conduct an impact assessment to evaluate different policy options and their potential effects. This assessment will draw on existing research, as well as additional evidence and feedback gathered through various consultation activities with stakeholders and dedicated studies. External experts will carry out these studies, which will focus on collecting evidence and data in specific areas (such as the implementation of Green Public Procurement across the EU or on challenges related to the "link to the subject matter" principle) and providing in-depth analysis of some complex issues relevant to the revision (like data governance or the use of labels), among others. The Commission will investigate and quantify the costs and benefits of each option to the extent possible.

Consultation strategy

A comprehensive consultation strategy is being implemented and includes, among others:

- expert group meetings with Member States authorities to discuss the main pillars of the reforms and relevant policy options;
- expert group meetings with the Stakeholder Expert Group on Public Procurement to discuss objectives and policy options;
- specific targeted consultations of:
    - local and regional authorities, in collaboration with the Committee of the Regions;
    - social partners and environmental NGOs;
    - industry including SMEs.

The present call for evidence complements these ongoing consultation activities. It includes a public consultation (questionnaire) and will be published on the Commission's Have your say portal in all 24 EU languages for a 12-week period. A factual summary report will be published within 8 weeks after closure of the public consultation and a synopsis report summarising all consultation activities will be annexed to the impact assessment. A high-level conference in preparation of this policy initiative will be held in 2026.

Why we are consulting?

The consultation aims to ensure that all relevant stakeholders, public authorities and individuals can provide their views, evidence and experience regarding public procurement in the Single Market to support the preparations for the revision of the EU rules on public procurement. It will allow to collect in-depth and high-quality information, data and feedback on the abovementioned policy objectives and options.

Target audience

The following list includes stakeholder groups that are likely to be most interested in this call for evidence: government authorities; public buyers at national, regional and local level and central purchase bodies; industry and their representatives, including SMEs, start-ups and social enterprises; non-governmental organisations; social partners including trade unions; academia and research institutes.