

EU Public Procurement Act risks compromising built environment quality and SME access, warns the Architects' Council of Europe

Yesterday, the European Commission unveiled its long-awaited legislative proposal for a new EU Public Procurement Act. The Architects' Council of Europe (ACE) welcomes the Commission's ambition to modernise Europe's public buying rules. However, ACE urges co-legislators to address the specific nature of intellectual services, support SMEs access and ensure public investment drives high-quality architecture across Europe.

A shift of major significance lies in the legal instrument chosen by the Commission. By proposing to convert the current Directives into a directly applicable EU Regulation, the Commission takes the risk of establishing a lowest-common-denominator standard, the full implications of which remain difficult to predict. ACE warns that this approach could trigger a "race to the bottom" across Member States.

"Public procurement shapes the cities, infrastructure and communities of tomorrow. If the new EU Regulation establishes a 'lowest-common-denominator' standard across Member States, it risks undermining progressive national legislation. The EU framework must serve as a floor for quality, never a ceiling", said Daniel FÜGENSCHUH, ACE President.

Key concerns and demands from the architectural profession:

1. Real simplification, not shifted burdens: While digitalisation and streamlined eligibility are positive steps, multi-stage procedures risk forcing small practices into repeated, costly tender rounds. Procedures must remain proportionate to the complexity of the service. Administrative burdens must be reduced, not redistributed.

2. Best quality for money requires meaningful quality assessment t: ACE welcomes the principle that contracts should deliver the best quality for money and the stronger role given to quality in award decisions. However, true "Best Quality for Money" cannot be captured solely through pre-determined metrics. Public buyers must have the procedural clarity and internal expertise to evaluate holistic value alongside technical indicators.

3. Protecting Architectural Design Competitions (ADCs): ACE underlines that ADCs are vital engines for design excellence, sustainability, and market entry for young practices. They must be explicitly retained rather than absorbed into general negotiation procedures..

4. Ensuring genuine and fair access for SMEs: While over 90% of architectural practices in Europe are micro-enterprises or SMEs, data from the latest ACE Sector Study reveals that in 2023, only 20% of architecture firms submitted a public tender or entered a design competition, deterred largely by administrative red tape and uncompensated costs. Procurement frameworks must ensure proportionate selection criteria and strictly prohibit public buyers from demanding project-specific design solutions during tendering without fair financial remuneration.

5. Embedding the New European Bauhaus: ACE welcomes the inclusion of environmental considerations and life-cycle costing but considers the proposed green procurement provisions insufficiently ambitious. Procurement rules for the built environment must go beyond technical environmental criteria to fully integrate the New European Bauhaus values.

Call to action for the EU co-legislators - A dedicated chapter on intellectual services

As the draft Regulation moves to the European Parliament and the Council of the EU for negotiation, ACE urges co-legislators to address these gaps by introducing a dedicated chapter acknowledging the unique nature of architectural and intellectual services. ACE highlights that treating creative design services under standard purchasing rules fundamentally misunderstands intellectual creative work. Generic rules designed to procure off-the-shelf goods or executive works fail to deliver value for design services.

More information: Read the ACE statement on the revision of the EU Public Procurement Directive.