



European
Commission



Netherlands

COUNTRY PROFILE – Benchmarking of national policy frameworks for innovation procurement

This is the country profile of Netherlands in the 2024 Europe wide benchmarking of national policy frameworks for innovation procurement. It is based on the most recent available data: Indicators 1 to 10 reflect the status of national policies that support innovation procurement at the end of 2023. The part of indicator 10 that uses data from the EU single market scoreboard uses the 2022 data from that scoreboard.

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Netherlands



1. National policy framework for innovation procurement

Governance and legal framework

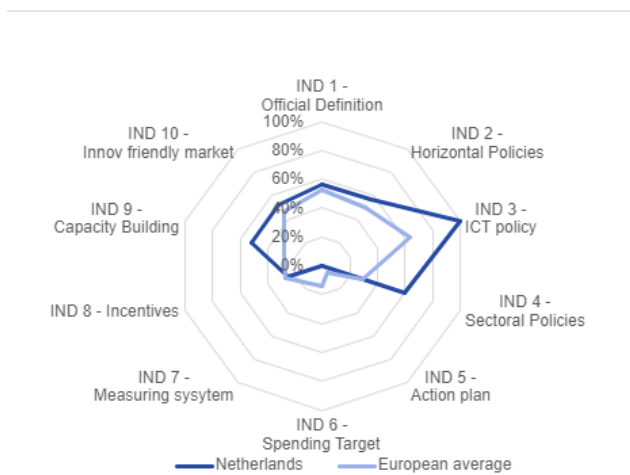
The Dutch Public Procurement Act¹ (Aanbestedingswet), with further detail in the Public Procurement Decree² governs public procurement for non-defence procurers and transposes the EU public procurement directives 2014/23/EU, 2014/24/EU and 2014/25/EU. It was amended in 2022 but without significant impacts on innovation procurement aspects. The Defence and Security Procurement Act³, which was updated in 2019, transposes the EU Defence procurement directive 2009/81/EC.

The Dutch **Ministry of Economic Affairs and Climate Policy**⁴ is responsible for shaping the country's public procurement policy and promotes innovation procurement through the **expertise centre PIANOo**⁵ that provides guidance on innovation procurement practices and policies.

Other leading actors are the **Ministry of the Interior and Kingdom Relations**⁶ (for national innovation procurements in the field of ICT) and the **Ministry of Infrastructure and Water Management**⁷ (for national innovation procurements in transport, infrastructure and water sectors).

Innovation Procurement Policy Framework Benchmarking (2024)

In the benchmarking of national innovation procurement policy frameworks across Europe, the Netherlands is at the 10th position in the overall ranking with a total score of 40.31%. The country dropped 7 positions compared to the previous benchmarking when the country ranked 3rd with a total score of 45.5%, as other countries improved their policy framework faster. The country's performance is above European average in total (33.05%) and on 6 of the 10 indicators. Out of the 30 countries analysed, the Netherlands is now one of the modest performers. As the country has put in place less than half (40.31%) of the policy measures to establish a comprehensive framework for innovation procurement, a strong reinforcement of the policy framework is still required in the Netherlands for it to realise its full potential.



Strengths

Clear support for innovation procurement in ICT policies, in 5 out of 7 horizontal policies (including R&I and public procurement) and in 6 out of 10 sectorial policies. Active national competence centre.

Weaknesses

Lack of a national action plan, ambitious spending target, structured monitoring system and incentives for procurers to scale up innovation procurement. Need to mobilise remaining sectorial policies to plan innovation procurement actions, expand capacity building offer, incorporate innovation friendly IPR regime in public procurement legislation and further improve transparency and competition on the Dutch procurement market to give companies with innovative solutions better chances to find and compete for public procurement business opportunities. Reinforcing support in policies for strategic technologies and financial incentives for R&D procurements in key technologies and sensitive sectors could help boost strategic autonomy.

¹ <https://wetten.overheid.nl/BWBR0032203/2022-03-02/0>

² <https://wetten.overheid.nl/BWBR0032919/2022-01-01>

³ <https://wetten.overheid.nl/BWBR0032898/2019-04-18>

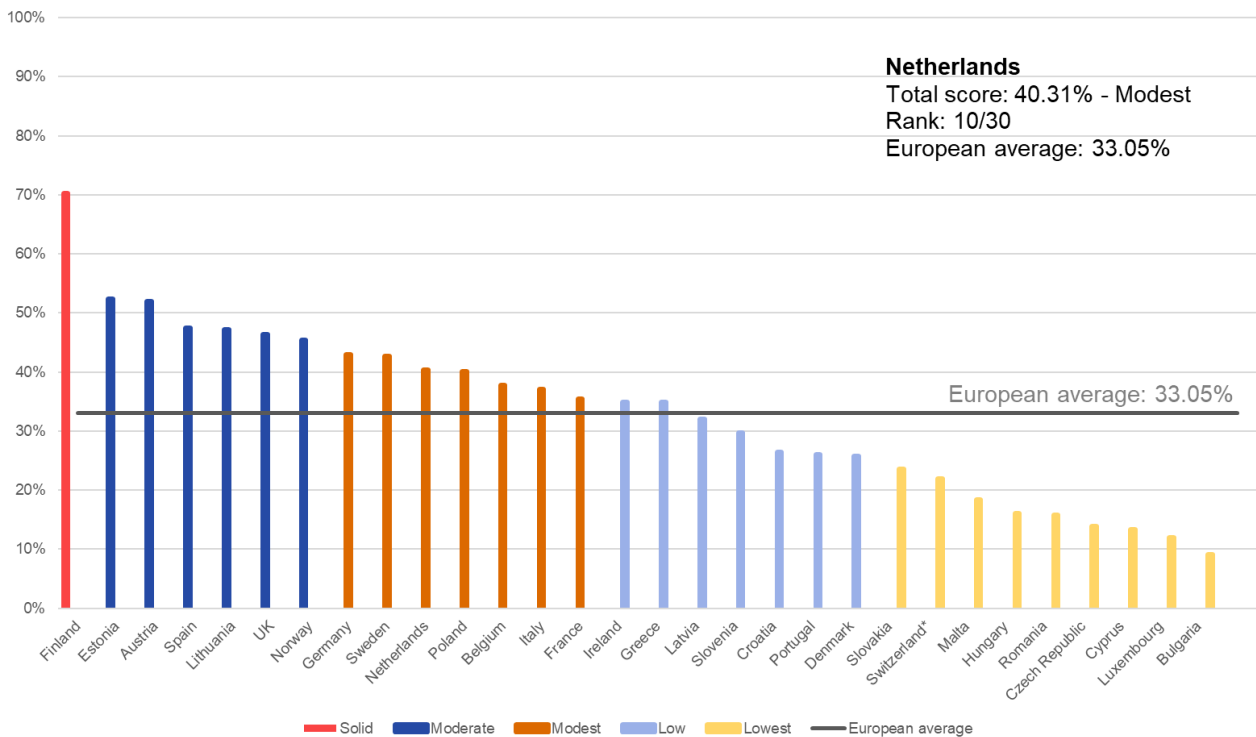
⁴ <https://www.government.nl/ministries/ministry-of-economic-affairs-and-climate-policy>

⁵ <https://www.piano.nl/en>

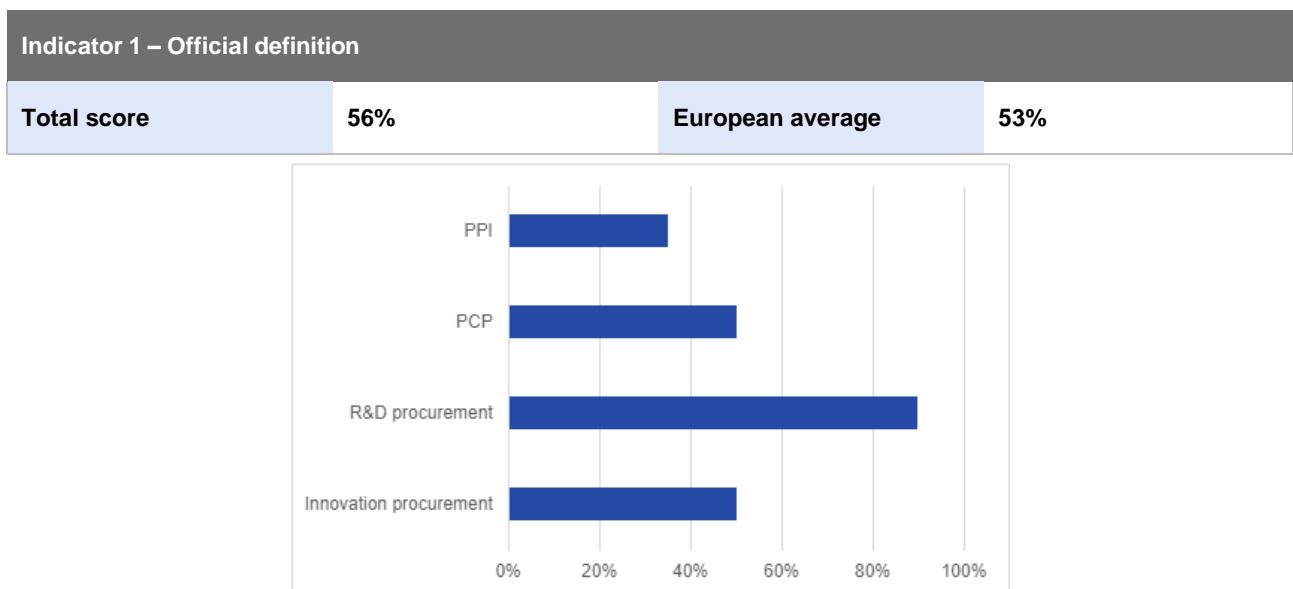
⁶ <https://www.government.nl/ministries/ministry-of-the-interior-and-kingdom-relations#:~:text=The%20Ministry%20of%20the%20Interior.coordination%2C%20supervision%20and%20policy%20implementation.>

⁷ <https://www.government.nl/ministries/ministry-of-infrastructure-and-water-management>

Overall ranking



Overview per indicator



Dutch public procurement legislation provides a legal basis for all types of public procurers to implement all types of innovation procurements (including R&D procurement, PCP, PPI) but only provides an official definition for innovation and R&D.

The Dutch national legislation does not provide a definition of **innovation procurement**. It does define **innovation** in Article 1.1 of the 2022 Public Procurement Act as “the application of a new or significantly improved product, a new or significantly improved service or a new or significantly improved process.” This definition transposes only the first part of the definition of innovation in the EU public procurement directives but not the last part, which extends the scope beyond products, services or processes also to new marketing or organisational methods, workplace organisation or external relations. It is applicable to all public procurers in the country but not fully in line with the provisions in the EU public

procurement directives. The 2022 guidelines⁸ of the Dutch Public Procurement Expertise Centre (PIANOO) provide a definition of innovation procurement: *“Innovation-oriented purchasing is about purchasing the innovation process (i.e. R&D procurement to develop prototypes or complete initial test production phases) and/or purchasing of innovative solutions (i.e. new solutions that are available on small scale in the market or solutions that are only in small quantities on the market and require further development or solutions based on existing technologies that are used in a new innovative way)”*. This definition defines what is meant by innovative solutions, however, it is still based on the Procurement Act’s definition of innovation that does not specifically include improved marketing or organisational methods, workplace organisation or external relations under innovation. The definition is applicable to all public procurers in the country but is not fully in line with the EU official definition. Therefore, the total score for the sub-indicator on innovation procurement definition is 50%.

Article 1(1) of the Defence and Security Procurement Act provides a definition of **R&D** coherent with the EU legislation but only applicable in the defence sector. R&D is defined as *“all activities involving fundamental research, applied research and experimental development, where experimental development may include the establishment of technological demonstration models, including means of demonstrating the performance of a new concept or new technology in a relevant or representative environment.”* The definition is coherent with the EU definition but not applicable to all public procurers. For non-defence procurers, the national Procurement Act identifies R&D only through the CPV codes for fundamental research, applied research and experimental development. Therefore, the total score for this sub-indicator is 90%.

In the national legislation, there is no **PCP** definition, but Article 2.24(g) of the Public Procurement Act for non-defence procurers and Article 2.17(e) of the Public Procurement Act for defence procurers provide the legal basis for all types of procurers in the country to implement PCP as they both exempt R&D services contracts like PCPs and only apply the PPA act to R&D services contracts *“the results of which are intended in their entirety for the contracting authority for use in its performance of its own work, provided that the services are fully paid for by the contracting authority”*. The national guidance⁹ provides a definition of PCP applicable to all public procurers in the country, but it is not fully in line with the EU definition (Dutch PCP definition does not recognise that PCP can include the purchase of non-commercial volumes of innovative solutions). Therefore, the score of the sub-indicator PCP is 50%.

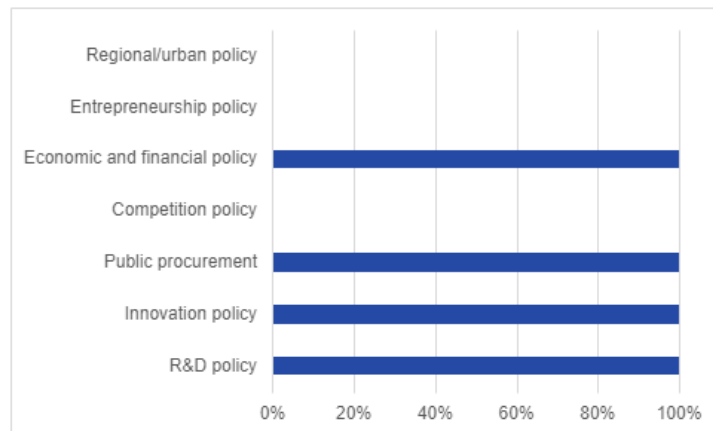
The Public Procurement Act does not provide a definition of **PPI**. However, the Public Procurement Act enables procurers to implement PPI by allowing procurers to award contracts and monitor contract performance not only based on price but also based on innovation criteria. Section 2.3.3.3, Article 2.80 states that *“contracting authorities may impose special conditions on the performance of a public contract, provided that such conditions are related to the subject-matter of the contract and are stated in the contract notice or the tender documents. The conditions under which the public contract is executed may relate to economic, innovation-related, work-related, social or environmental considerations”*. Therefore, no definition of PPI exists, but there is a legal basis for implementing it which is applicable to all public procurers in the country and in line with the provisions of the EU public procurement directives, resulting in a total score for the PPI sub-indicator of 35%.

Therefore, the total score of this indicator remains unchanged compared to the previous benchmarking at 56%, which is slightly above the European average (53%). There is room for future improvement as the score is still significant below the top performing country on this indicator, Lithuania, which scores 76%.

⁸ <https://open.overheid.nl/documenten/ronl-009ddda56c88027b7b04bf1dfe1bd1ac248834f1/pdf>

⁹ <https://www.pianoo.nl/nl/themas/innovatie/aan-de-slag-met-innovatie>

Indicator 2 – Horizontal policies			
Total score	57%	European average	50%



In the Netherlands, innovation procurement is embedded in four horizontal policies: public procurement policy, economic policy, R&D policy and innovation policy.

The latest **Coalition Agreement 2021-2025**¹⁰, under section 5 ‘An enterprising, innovative and fair economy’ includes several indications that the Government will use its purchasing power to stimulate innovation. It commits to modernise public services and increase public investment in knowledge and innovation, as well as in R&D specifically (mostly in climate and energy, digitalisation and key technologies, and the circular economy). In addition, it is stated that the Government will make “*more strategic use of public procurement*”, especially to support growth and innovative capacity of SMEs. As this agreement is applicable countrywide, the score for the sub-indicator **economic policy** is 100%.

The **2021-2024 government programme Procuring better**¹¹ includes actions to improve the dialogue with entrepreneurs, fostering opportunities for SMEs and stimulating the use of innovation procurement (innovatiegerichte inkoopprocedures). Also, the 2019 **Procurement with impact plan**¹², the central government’s procurement strategy, commits that “*sustainable, social and innovative procurement is henceforth the standard for central government. As an organization, the government wants to stimulate innovations, for example by implementing SBIRs (Dutch PCP programme) and by acting as a launching customer for innovative solutions*”. As this strategy is applicable countrywide, the score for sub-indicator **public procurement policy** is 100%.

The **2021 National Action Plan Innovation and Valorisation**¹³, which also tackles research and development, states that “*The importance of innovation for the economy and society, and the fact that innovation insufficiently materialises on its own, justifies a strong role for the government, which it needs to fulfil in various ways...including... through innovation procurement*”. Innovation procurement needs to be reinforced because EU benchmarking shows that other countries perform better than the Netherlands on innovation procurement”. This includes stimulating R&D procurement through, for example, SBIR (Dutch PCP programme). “*In our procurements we need to make room for innovative entrepreneurs, that come with smart, sustainable solutions for social problems*”. As this action plan is applicable countrywide, the score for the sub-indicators **R&D policy** and **innovation policy** is 100%.

Therefore, the total score for this indicator is 57%, which is the same as in the previous benchmarking and slightly above the European average (50%). There is room for future improvement as the score is considerably below the top performing countries, Norway, Estonia and Finland, which score 86% on this indicator.

Indicator 3 – ICT policies			
Total score	100%	European average	63%

The Netherlands has a comprehensive set of digital / ICT policies in place that recognise the strategic importance of innovation procurement to speed up public sector modernisation through the uptake of innovative digital solutions.

¹⁰ <https://www.government.nl/documents/publications/2022/01/10/2021-2025-coalition-agreement>

¹¹ https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2021Z08918&did=2021D19585

¹² <https://www.government.nl/documents/publications/2021/03/26/procurement-with-impact>

¹³ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/11/11/kamerbrief-innovatie-en-impact>

The **2022 National Digitalisation Work Agenda**¹⁴ specifies the facilitation of innovative procurement policy as one of the key actions to improve government's ICT organisation and systems. The purpose is to foster the inclusion of better criteria and modern ICT requirements in the tendering process (e.g. with regard to European digital sovereignty, standards and harmonisation, openness/open source, etc.) and to support this, the government is preparing an innovation procurement handbook for purchases in the ICT sector, to be completed by the end of 2025.

The **2023 Annual Plan for Government Procurement Digitalisation in the Netherlands**¹⁵ recognises that "Procurement is not just a matter of business operations. It is also a policy instrument for central government". Section 4 sets out the strategic objective that "Government procurement contributes to the policy objectives that central government has set itself for social and economic development, such as sustainability and innovation".

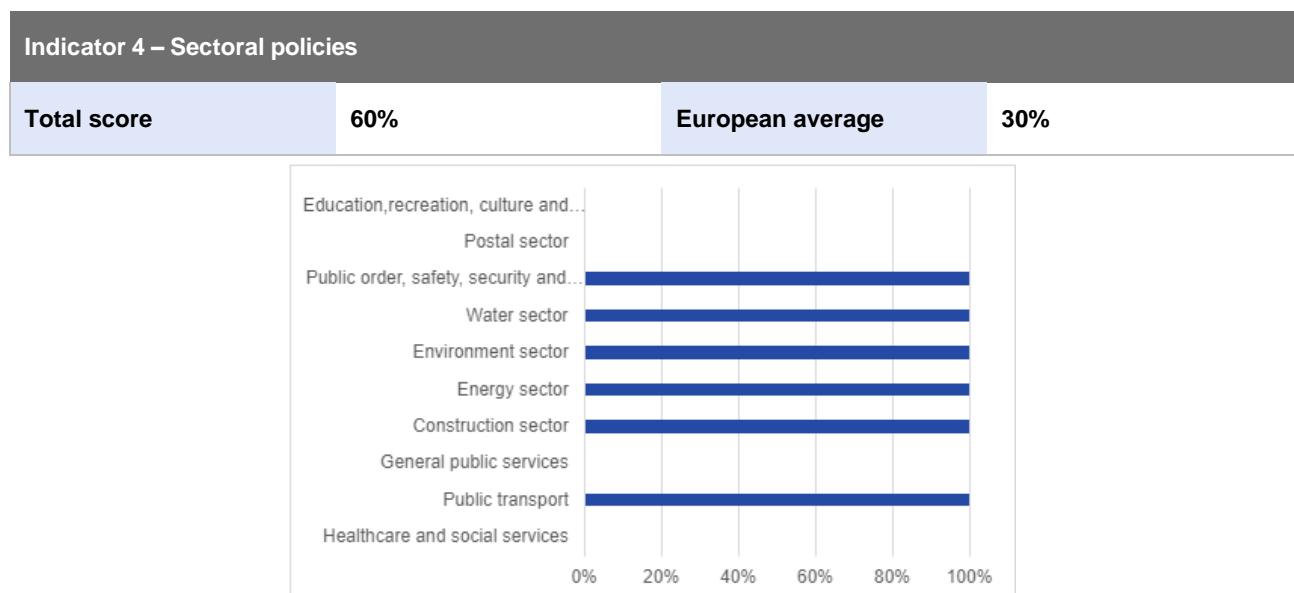
In addition, the focus on digital technologies was included in the **Dutch Mission-driven Top Sectors and Innovation Policy**¹⁶ and in 2021, the Netherlands joined the international Circular and Fair ICT Pact, which creates a network of procurers committed to generate a demand for fair and circular ICT, supporting in turn ICT producers to change their business and accelerate innovations.¹⁷

For what regards encouraging the use of innovation procurement to accelerate the uptake and reinforce EU strategic autonomy for strategic ICT technologies, the **Strategic Action Plan for Artificial Intelligence**¹⁸ commits that "in the coming years, government departments will use various instruments within public procurement legislation to stimulate market innovation." It mentions that this will include increasing dialogue with industry, R&D procurement (SBIR/PCP) and procurement of innovative solutions.

The **Dutch Cybersecurity Strategy 2022-2028**¹⁹ commits under action line 'The government stimulates the development of safe digital products through public procurement' that "The government encourages the development of safe digital products through public procurement. The government can as big customer of ICT products influence that market through the formulation of its procurement requirements. The procurement policy of the government will in this way contribute to innovation and development of safe products and services".

The **Dutch National Quantum programme 'Quantum Delta NL'**²⁰ does not promote the Dutch public sector to use innovation procurement to accelerate the development and early adoption of quantum-based solutions for public sector use cases. The Netherlands does not have a specific **national semiconductor policy**.

As innovation procurement is endorsed in the national digital policy and a dedicated set of actions for innovation procurement for some strategic ICT-based solutions (AI, cybersecurity) are foreseen, this indicator scores 100%, which is an improvement compared to the previous benchmarking (50%). The Netherlands can further improve in the future as not all policies for specific strategic ICT technologies embrace innovation procurement yet.



¹⁴<https://www.government.nl/binaries/government/documenten/reports/2022/11/30/value-driven-digitalisation-work-agenda/Value-Driven+Digitalisation+Work+Agenda.pdf>

¹⁵ Government Procurement Digitalisation in the Netherlands - Annual Plan 2023 | Annual plan | Government.nl

¹⁶ <https://www.nederlanddigitaal.nl/documenten/publicaties/2019/11/13/english-version-of-the-dutch-digitalisation-strategy-2.0>

¹⁷ <https://www.government.nl/latest/news/2021/06/14/ict-pact-joining-forces-towards-circular-and-fair-ict>

¹⁸ <https://www.rijksoverheid.nl/documenten/beleidsnotas/2019/10/08/strategisch-actieplan-voor-artificiele-intelligentie>

¹⁹ <https://english.nctv.nl/topics/netherlands-cybersecurity-strategy-2022-2028/documents/publications/2022/12/06/the-netherlands-cybersecurity-strategy-2022-2028>

²⁰ <https://quantumdelta.nl/>

Innovation procurement is recognised as a strategic priority in six sectoral policies: public order, safety, security and defence policy; environmental policy; water policy; construction policy; transport policy; and energy policy.

The Ministry of Justice and Security has adopted in 2018 its step-by-step plan²¹ for innovation procurement, that is now part of a toolbox²² to develop innovative ideas. It published a renewed version²³ in June 2021. The Ministry of Defence has adopted a strategy both for pre-commercial procurement and public procurement of innovative solutions²⁴ and published in 2020 its strategic knowledge and innovation agenda for 2021-2025.²⁵ Therefore, the score for **public order, safety, security and defence policy** is 100%.

The Dutch Sustainable Procurement Action Plan has since 2015 had an explicit focus on encouraging more innovation procurement. The renewed **National Plan for Sustainable Procurement 2021-2025**²⁶ still maintains that direction: “*This (plan) often requires innovative solutions that can also be stimulated through innovation procurement.*” Therefore, the score for **environment policy** is 100%.

The Union of Dutch Waterboards has positioned innovation procurement clearly as an objective in their procurement strategy since 2014. The renewed **2021 Union of Dutch waterboards market of the future vision document**²⁷ also touches briefly upon innovation and procurement. Innovation procurement by water sector procurers is also explicitly encouraged in the **Ministry of Infrastructure and Water Management's procurement policy**²⁸ and **High-Water Protection Programme**²⁹. There are also some actions plans in certain regions – for example, the Waterboard Limburg has adopted innovation procurement in its procurement action plan. Therefore, the score for **water policy** is 100%.

Rijkswaterstaat³⁰, the part of the Ministry of Infrastructure and Water Management that is responsible for the practical execution of public works, as well as the management of the national roads and waterways, has developed a specific policy framework for innovation procurement and has recently published its **2030 innovation agenda**³¹ in which it announces that it will use different procurement tools to stimulate innovation for the modernisation of **national roads, waterways, and construction works** to achieve improvements in asset management, refurbishment, sustainable and green infrastructure, smart mobility and data management. Therefore, the score for **national transport policy and construction policy** is also 100%.

The Dutch **2021-2030 National Energy and Climate Action Plan**³² states that “*In order to stimulate the demand side of the transition to a low CO2 and circular economy, central government supports local and regional authorities in using the purchasing power of government for purchasing climate-friendly and circular products and services, including renewable energy. Governments can use sustainable procurement to increase their role as a launching customer in the transition and set a good example to other (market) parties.*” In the innovation toolbox, it is also mentioned that “*SBIR (Dutch PCP programme) is a flexible procurement method through which the government is able to challenge entrepreneurs to solve specific social issues by means of innovative products and services.*” Therefore, the score for **energy policy** is 100%.

The **2020 National Plan “Towards a future proof healthcare system”**³³ identifies the need to support more innovation and the need to move from price only to value for money-based procurement that increases quality and opens the market for innovative suppliers, but it does not mention innovation procurement specifically. Therefore, the sub-indicator for **healthcare policy** remains 0%.

As the above six sectoral policies that promote innovation procurement are applicable countrywide, the total score for this indicator is 60%. The score is above the European average (30%) and a significant increase compared to the previous benchmarking, when the score was 40%. There is still room for future improvement as the score is still significantly below the top performing country, the UK, which scores 90% on this indicator.

²¹ <https://www.pianoo.nl/nl/document/15181/stappenplan-innovatiegericht-inkopen-ministerie-van-veiligheid-justitie>

²² <https://archieff48.sitearchieff.nl/archives/sitearchieff/20230601063557/https://www.innoveermeemetjenv.nl/onderwerpen/toolbox>

²³ <https://archieff48.sitearchieff.nl/archives/sitearchieff/20230601063557/https://www.innoveermeemetjenv.nl/onderwerpen/toolbox/documenten/brochures/2020/06/23/innovatiegericht-inkopen>

²⁴ <https://www.defensie.nl/onderwerpen/innovatie/front> and <https://www.defensie.nl/onderwerpen/innovatie>

²⁵ <https://www.defensie.nl/downloads/publicaties/2020/11/25/strategische-kennis--en-innovatieagenda-2021-2025>

²⁶ [https://www.pianoo.nl/sites/default/files/media/documents/2021-](https://www.pianoo.nl/sites/default/files/media/documents/2021-02/plan_mvi_opdrachtgeven_met_ambitie_inkopen_met_impact_2021-2025-jan2021.pdf)

02/plan_mvi_opdrachtgeven_met_ambitie_inkopen_met_impact_2021-2025-jan2021.pdf

²⁷ <https://unievanwaterschappen.nl/wp-content/uploads/2021/12/De-waterschapsmarkt-van-de-toekomst-visiedocument.pdf>

²⁸ <https://unievanwaterschappen.nl/wp-content/uploads/2022/02/Inkoop-en-aanbestedingsbeleid-waterschappen-2016.pdf>

²⁹ <https://www.hwbp.nl/>

³⁰ <https://rwsinnoveert.nl/>

³¹ https://rwsinnoveert.nl/publish/pages/219970/innovatieagenda_2030-versie-23_2.pdf

³² https://energy.ec.europa.eu/system/files/2020-03/nl_final_necp_main_en_0.pdf

³³ <https://www.rijksfinancien.nl/bmh/bmh-2-naar-een-toekomstbestendig-zorgstelsel.pdf>

Indicator 5 – Action plan			
Total score	0%	European average	6%

The Netherlands had created in 2013 a national Action Plan for innovation procurement, which is no longer valid and a new version of the action plan is still not available / under preparation.

However, as there was no dedicated action plan for innovation procurement put in place by the end of 2023, the result for this indicator decreases from 44% in previous benchmarking to 0%. The score is below the European average (6%). There is room for future improvement as the score is still significantly below the top performing country, Finland, which scores 69% on this indicator.

Indicator 6 – Spending target			
Total score	0%	European average	14%

In 2011, the Dutch government set a target to spend 2.5% of its government wide purchases on innovation procurement. Meanwhile, European wide benchmarking has shown that a 2.5% target is too low. However, there has been no update on the Dutch national target for innovation procurement spending. Therefore, compared to the previous benchmarking, there is a drop in the score for this indicator from 50% to 0%. The score is below the European average (14%). There is room for future improvement as the score is still significantly below the top performing country, Poland, which scores 80% on this indicator.

The policy framework for innovation-oriented procurement developed by the Dutch government agency responsible for public infrastructure, national roads and waterways (*Rijkswaterstaat*) enforces a commitment to allocate 2.5% of the procurement budget to innovation, enhancing the quality of its work and bolstering the Netherlands' competitive position³⁴. However, this is a target that is set by one public buyer for his own purchases, not as a target for all procurers the country, and therefore does not count towards the scoring for this indicator.

Indicator 7 – Monitoring system			
Total score	0%	European average	15%

The informal tool which allows public buyers to monitor their procurements, called MVI-ZET,³⁵ currently focuses on sustainable and socially responsible procurement but is also able to track innovation procurement. The Ministry of Economics is developing definitions/measuring KPIs for innovation procurement to make monitoring more effective to enable also tracking of innovation procurement. However, this is currently not available yet.

The approach for monitoring of public procurement expenditure that is currently used, uses the Dutch tender database called TenderNed,³⁶ which contains only above EU threshold and a few R&D procurements. However, the monitoring via TenderNed does not include innovation procurement. The new eForms in the Netherlands do not yet allow to monitor/measure innovation procurement expenditure either. Therefore, the total score of this sub-indicator **measurement system** is 0%. The situation may improve in the future as in 2022 a working group 'Buying innovation in the public sector' has a task to propose solutions for monitoring innovation-oriented procurement and identifying possible bottlenecks/implications in this regard.

There is still no system for **evaluating the impacts of completed innovation procurements** in the Netherlands. Therefore, the score for this sub-indicator evaluation system remains 0%.

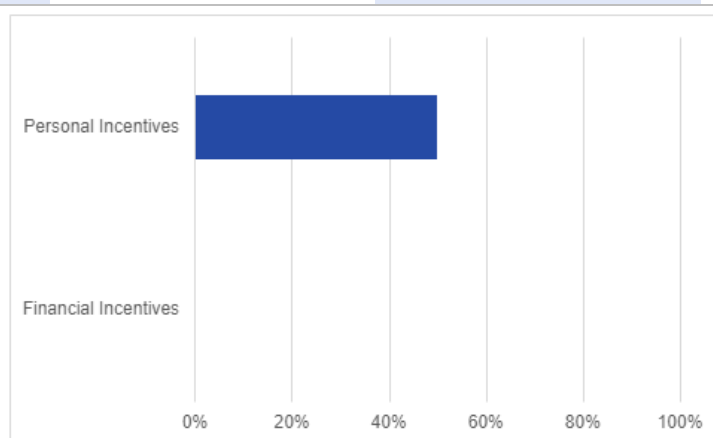
The total score of the indicator is 0% which is a decrease in score compared to the previous benchmarking when country scored 25% for the indicator. The score is below the European average (15%). There is room for future improvement as the score is still significantly below the top performing countries: Estonia and Poland which score highest (100%) on the first sub-indicator for having the most comprehensive expenditure measurement systems and Finland and Austria which score highest (50%) on the second sub-indicator for their impact evaluation systems.

³⁴ <https://www.rijkswaterstaat.nl/zakelijk/zakendoen-met-rijkswaterstaat/inkoopbeleid/innovatiegericht-inkopen>

³⁵ <https://mvizet.nl/>

³⁶ <https://www.tenderned.nl/cms/nl>

Indicator 8 – Incentives			
Total score	25%	European average	27%



When it comes to **financial incentives**, from 2017 to 2021, the Ministry of Economic Affairs and Climate offered co-financing to stimulate innovation procurement via SBIR and innovation partnerships. Currently, there is no new co-financing available. This decision is up to the new Dutch government. However, the Water Protection Programme, which is still ongoing, makes available EUR 10 million per year to stimulate procurements, although a specific focus on innovation procurement is not present. However, Water is part of the Dutch 'top sectors' that the Government has identified as priority for investment and innovation.³⁷ So, currently there are no dedicated financial incentives for innovation procurement and therefore, the score for the sub-indicator financial incentives is 0%.

In terms of **personal incentives**, PIANOo, in collaboration with procurement experts and national universities, publishes every year a compendium of the 'Top 10 most innovation-friendly public procurement organisations'³⁸ in the Netherlands. The ranking takes place based on several criteria such as how often public buyers are using innovation friendly procurement procedures, are awarding contracts based on value for money instead of lowest price, are allowing variant offers to be submitted, have in their tender announcement the words piloting, buying R&D or being a launching customer for an innovative solution, startup etc. However, it is not structurally incentivising innovation procurement across the country and not a fully reliable approach, as procurements that use value for money criteria or mention a startup in the tender text may ultimately not buy anything innovative. Therefore, the score is 50% for this sub-indicator.

Currently, there are no financial incentives and only some limited personal incentives to encourage public procurers in the Netherlands to undertake more innovation procurement. When compared with the previous benchmarking when the country scored 21%, the total result is slightly higher and amounts to 25% but still below the European average (27%). There is room for future improvement for developing financial incentives as the performance on this sub-indicator is still significantly below the top performing countries: Norway for financial incentives for R&D procurements, Estonia and Belgium (Flemish region) for financial incentives for public procurement of innovative solutions. There is room for future improvement for developing both financial and personal incentives as the performance on this indicator is still significantly below the top performing countries Lithuania, Finland, Spain and Austria which all score more than 50% on the indicator.

Indicator 9 – Capacity building and assistance measures							
Total score	52%		European average		28%		
	Existence	Connection with relevant international/ EU initiatives	Free of charge	Covering all aspects and types of innovation procurement	Available and applicable to all public procurers in the country	Mainstreaming Innovation procurement at a large scale	Sub-total score
Central website	✓		✓		✓		50%

³⁷ <https://www.government.nl/topics/water-management/water-top-sector/delta-technology>

³⁸ <https://www.pianoo.nl/nl/analyse-innovatievriendelijke-inkopers-de-publieke-sector-2022>

Good practices	✓		✓		✓		50%
Trainings/workshops	✓	✓	✓		✓		67%
Handbooks/guidelines	✓		✓	✓	✓	✓	83%
Assistance to public procurers	✓		✓		✓		50%
Template tender documents							0%
Coordination/pre-approval							0%
Networking of procurers	✓	✓	✓	✓	✓		83%
One-stop-shop /competence centre	✓	✓	✓	✓	✓		83%

The national **competence centre** in the Netherlands is called PIANOo and is funded by the Ministry of Economic Affairs and Climate Policy. PIANOo carries out most of the measures for building-up public procurers' know-how on innovation procurement but does not provide all services a fully-fledged competence centre does (no case specific assistance to write tenders specifications, no provision of templates and lack of activities to coordinate purchasing for several public procurers). Therefore, the score for the sub-indicator one-stop-shop/competence centre is 83%.

PIANOo is the **central website** for information and guidance with case examples on innovation procurement. The site addresses a large variety of aspects related to innovation procurement but lacks a central place that gives an overview of all the recent EU initiatives supporting innovation procurement. Cases lack examples of Dutch PCPs, as well as recent EU funded innovation procurement projects and **good practice examples** for scaling up the impacts through joint/coordinated procurement. Therefore, the score for both the sub-indicator **website** and **good practice examples** is 50%.

Compared to the previous benchmarking, there is some progress in the type of tools and materials provided, one of the most interesting being the 'Step-by-step plans for innovation-oriented purchasing'. PIANOo developed 14 step-by-step plans which are available for free consultation and contain both innovation-specific and generic instruments and methods of tendering.³⁹ The PIANOo **guidelines** are however still missing references to the EU guidance initiatives, such as the Eafip toolkit.⁴⁰ Therefore, the score for the sub-indicator on handbook/guidelines is 83%.

When it comes to **assistance** to public procurers in the preparation and implementation of innovation procurement, PIANOo makes available a generic helpdesk in the form of a Q&A 'metro map'. Procurers can reach out to PIANOo with questions, but no individual case-by-case assistance to procurers is structurally foreseen in the form of a permanent support centre (e.g. to prepare and/or implement concrete tender documents for a specific innovation procurement). Therefore, the assistance is not capable of mainstreaming all types of innovation procurement across the whole country. Connection of the assistance with European initiatives is also missing. Thus, the score for sub-indicator assistance is 50%.

PIANOo brings together experts within the "Innovation Procurement" expert network. It regularly organises workshops and events, however mostly with the purpose of informing Dutch procurers about new aspects concerning innovation procurement, not so much with the intention to network Dutch procurers to identify common needs and foster collaboration between different procurers on innovation procurement to create scale-up effects. Under the impulse of ZENIT, the region North Rhine-Westphalia signed a cooperation agreement with the Netherlands and the Flemish region (The Netherlands) to network public procurers of their different countries to stimulate cross-border innovation procurements. This agreement is still in place. E-learning **trainings** are offered on some but not all aspects related to innovation procurement. As all these activities are not implemented to achieve large scale effects, the score for the **networking** sub-indicator is 83% and for **trainings/workshops** 67%.

The **pre-approval** and **coordination** of purchasing processes involving several public procurers and the provision of procurement documentation **templates** are out of PIANOo scope. Accordingly, the sub-indicators related to templates and coordination/pre-approval score 0%.

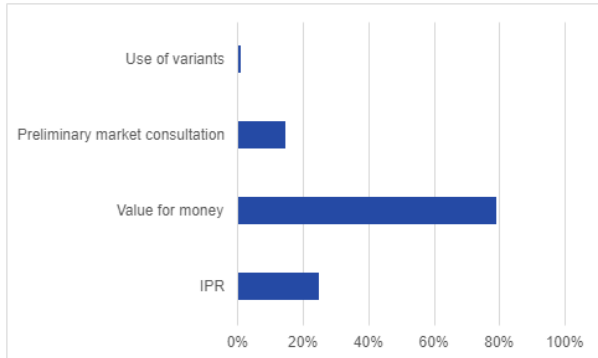
Overall, the total score for indicator is 52%, which is a slight decrease compared to the 57% score in the previous benchmarking, but which is still above the European average (28%). There is room for future improvement as the performance is still significantly below the top performing countries Austria and Norway which both score 65% on the indicator.

³⁹ <https://www.pianoo.nl/nl/themas/innovatie/praktijk-tools/stappenplannen-innovatiegericht-inkopen>

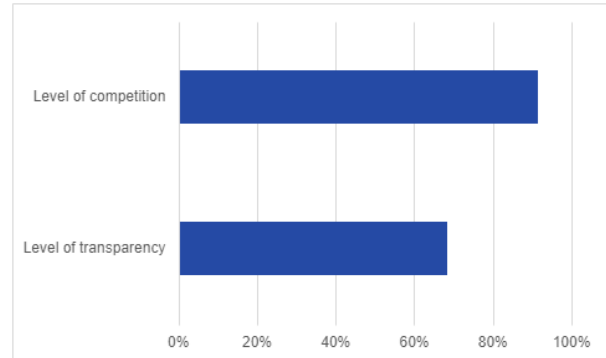
⁴⁰ European Assistance For Innovation Procurement: www.eafip.eu

Indicator 10 – Innovation friendly public procurement market			
Total score	53%	European average	46%

I - Specific techniques to foster innovation in public procurement



II - Openness of national public procurement market to innovations from across the EU single market



This indicator synthesises to what extent the national public procurement market encourages the implementation of innovation procurement. It is composed by two sub-indicators measuring:

I. The use of specific techniques to foster innovation in public procurement in the Netherlands

II. The openness of the national public procurement market to innovations from across the EU single market

With regard to the **sub-indicator I**, the Netherlands shows the following evidence:

- IPR default regime:** The score for this sub-indicator improved from 0% to 25%, which is however still below the European average of 40%. because a change occurred in the IPR regime for public procurement compared to previous benchmarking. The previous 2008 version of the Dutch General Government Terms and Conditions for Public Service Contracts ARVODI (art 23) assigned by default, unless otherwise agreed, 'all' the IPR rights to the contracting authority. The newer 2018 version ARVODI⁴¹ (Article 24) does this only for copyrights rights. Database rights are always assigned to the public procurer without even mentioning a possibility for the public procurer to deviate from this in the tender documents. For what regards other IPR rights (industrial property rights such as patents as trademarks) it only allocates by default non-exclusive 'usage rights' to the contracting authority for usage purposes defined in the procurement contract and for an unlimited duration. Overall, it is very positive that the IPR regime has improved for industrial property rights but it is still the same for copyrights and has become even more strict for database rights. These mixed results lead to a slightly improved score of 25%.
- Use of value for money criteria:** According to the EU Single Market Scoreboard, 79% of the public procurement procedures published in TED were not awarded on the basis of the lowest price only. This is well above the European average of 43.87% and almost reaching also the 80% satisfactory level set out in the EU Single Market Scoreboard. Together with Croatia, France, the UK and Ireland, the Netherlands is among the top performer countries on widespread usage of value for money award criteria.
- Use of variants:** The country has allowed tenderers to submit variant offers in 1.10% of the procurement procedures published on TED. This percentage is below the European average of 3.28%.
- Use of Preliminary Market Consultation:** The country has used preliminary market consultations for 14.66% of the procurement procedures published in TED. This percentage is way above the European average of 1.39%.

Based on this, the score for the sub-indicator I is 29.94%, which is above the European average of 22.13%. The below average performance on adopting a default IPR allocation regime that fosters innovation tempers the positive effects of the widespread usage of value for money criteria and the above average use of preliminary market consultations.

For the **sub-indicator II**, the Netherlands shows the following evidence (based on the Single Market Scoreboard):

- Level of competition:** The level of competition of the national public procurement market is 86%, which is slightly above the European average of 82.37% but still below the 92.5% satisfactory level set by the EU Single Market Scoreboard. This result is driven by the fact that both sub-indicators score above European average but below the satisfactory level set by the EU Single Market Scoreboard: the percentage of procurement procedure for which a call for bids was conducted (91%) is below the 95% satisfactory level and the percentage of procurements with more than one bidder (81%) is significantly below the 90% satisfactory level.

⁴¹<https://www.rijksoverheid.nl/documenten/publicaties/2018/05/03/general-government-terms-and-conditions-for-public-service-contracts-2018-arvodi-2018>

- f. **Level of transparency:** The level of transparency of the public procurement market is 65.6% which is above the European average 58.14% but still slightly below the 66.3% satisfactory level set by the EU Single Market Scoreboard. The low TED publication rate (4%) is slightly below European average (6%). The percentage of procurements without missing buyer registration number (94%) is above European average (70%) but below the satisfactory level (97%). The percentage of procurements without missing calls for bids (99%) is at the European average and reaches the satisfactory level (97%).

Based on this evidence, the score for the sub-indicator II is 75.8%, which is slightly above the European average of 70.25% but still below the 79.4% satisfactory level set by the EU Single Market Scoreboard. This is due to both improvements that are still needed to increase the level of transparency on the Dutch public procurement market.

Based on the scores for sub-indicators I and II, the total score for **the indicator "Innovation friendly public procurement market"** is 53%, which is **slightly above the 46% European average**. Both the use of specific techniques to foster innovation in the country and the openness of the Dutch procurement market to innovations from across the EU single market are slightly above the European average but still below the satisfactory level. Compared to the previous benchmarking the total score for the indicator stayed the same (53%), there is a need to invest in efforts to improve the performance and reach the satisfactory level. There is some improvement in general contract conditions for central government purchases to motivate procurers for using an IPR default regime that fosters innovation in public procurement, but this is not anchored yet into legislation and not applicable yet for all types of IPR rights and for all procurers in the country. The use of variants and preliminary market consultations can still be improved compared to leading countries in this field. In addition, the TED publication rate and number of procedures for which a call for tenders is organised with more than one bidders and public buyers registration numbers are published should be increased, in order not to hamper companies in identifying and competing for innovation procurement business opportunities.



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