

Procurement Monitoring Report Template

In view of the Member States' reporting process under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU

Fields marked with * are mandatory.

I. Information about reporting authority

By clicking in this box you indicate that you have read the privacy statement and provide your consent for the processing of your personal data

[EUSurvey_Privacy_Statement-2020.pdf](#)

* Country

France

* Name of National Authority

Ministry for Economy, Finances and Digital and Industrial Sovereignty

* Name of Unit/Department

Legal Affairs Department

* E-mail address

oecp.daj@finances.gouv.fr

Name of contact person (not published)

E-mail address of contact person (not published)

II. The public procurement framework

1. Legal framework

- * Please indicate links to the main legal instrument implementing the public procurement Directives and its main amendments that occurred during the current reporting period.

5000 character(s) maximum

Please list the links in the text box below. You can link multiple links.

French public procurement code, Environment Code, Local government code, Civil Code, Penal Code, ...
https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000037701019/

2. Procurement institutional framework

Please provide key bodies and institutions regarding public procurement matters, in charge of:

	Relevant bodies <i>(multiple entries possible)</i>
Body of normative regulatory function (including transposition) and policy development	Parliament and Government
Bodies responsible for monitoring and reporting	Ministry of Economy and Finance, Minister of Ecological Transition, Ministry of Justice, Court of Auditors, the Competition Authority, the Council of State, the French Anti-Corruption Agency, the High Authority for Transparency in Public Life, the Department-General for Competition, Consumer Affairs and Fraud Prevention, the Constitutional Council, parliamentary committees, the inspection bodies, ...
Review bodies	Administrative and judicial courts.
Bodies responsible for the e-procurement and the functioning of the public procurement web portal	Every Buyers
Centralised procurement bodies	Union of Public Procurement Groups (UGAP), Resah, UNIHA, ...
Competence centres	Legal Affairs Department, Legal and Administrative Information Department, State Procurement Department, General Enterprises Department, ...
Other bodies	

III. Key quantitative indicators on public procurement

1. The total number of awarded contracts

Total number of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	32996	35073	NC

* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces.

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 428,000 € excl. tax
- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

Total number of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	152360	157883	NC

* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

Data: Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces.

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 428,000 € excl. tax
- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

2. The total value of procurement

Total value of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	141999	133864	NC

* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

Data: Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces.

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 428,000 € excl. tax
- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

Total value of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	28982	29731	NC

* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

Data: Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces.

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
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- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

IV. Sources of wrong application or of legal uncertainty (including possible structural or recurring problems)

1. Preparation and launch of a public procurement procedure:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, 7, 8 or 9 is yes, additional options will appear.

- 1. Preliminary market consultation
- 2. Estimation of contract value (if yes, please specify below)
- 3. Wrongful setting of deadlines
- 4. Inappropriate selection criteria (too restrictive, tailor made for a particular economic operator, not related to subject matter of contract)
- 5. Discriminatory technical requirements
- 6. Conflict of interest
- 7. Procedures without publication (if yes, please specify below)
- 8. Inappropriate use of specific procedures (if yes, please specify below)
- 9. Other issues (if yes, please specify below)

2. Estimation of contract value:

- Underestimation of contract value to avoid application of EU public procurement rules
- Artificial splitting of the contract (including no aggregation of value of similar contracts)

8. Inappropriate use of specific procedures:

- Competitive procedure with negotiations
- Competitive dialogue
- Innovation partnership

- Electronic auctions
- Dynamic purchasing systems

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with 'enter'.

La direction des affaires juridiques des ministères économique et financier publie des fiches techniques sur son site internet afin de diffuser la connaissance du droit applicable, son interpretation et les decisions jurisprudentielles qui l'éclaircit <https://www.economie.gouv.fr/daj/conseil-acheteurs-fiches-techniques>. Parallèlement, elle diffuse des guides de bonnes pratiques <https://www.economie.gouv.fr/daj/conseil-acheteurs-guides> et une lettre d'information qui reprend les principales decisions récentes du juge de l' Union européenne comme national <https://www.economie.gouv.fr/daj/lettre-direction-des-affaires-juridiques> .

2. Evaluation of tenders and contract award:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 8 is yes, additional options will appear.

- 1. Unlawful exclusion of tenderers/rejection of offers
- 2. Non compliance with mandatory exclusion grounds
- 3. Unlawful exclusion of third country bidders covered by GPA or by other international agreement
- 4. Incorrect evaluation of award criteria
- 5. Incorrect application of rules related to abnormally low tender
- 6. Lack of publication of contract award notice
- 7. Unlawful modification of the tender conditions before conclusion of the contract
- 8. Other reason (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

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3. Contract implementation:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, or 3 is yes, additional options will appear at the end of STAGE 3 to provide further details.

- 1. Illegal contract modifications

- 2. Wrong application of procurement instruments (if yes, please specify below)
- 3. Other reasons (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

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4. Problems that may originate at different stages:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 4 is yes, additional options will appear.

- 1. Wrong application of centralised or joint procurement
- 2. Failure to comply with legal deadlines (prescribed by EU or national law)
- 3. Biased prior involvement of candidates or tenderers
- 4. Other issues (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

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5. Which are the specific legal provisions of EU public procurement law that raise problems?

Directive 2014/23/EU ('Concessions Directive')

Directive 2014/24/EU ('Classical Directive')

Directive 2014/25/EU ('Utilities Directive')

Directive 2007/66/EC ('Remedies Directive')

Please list the articles of the Directives and describe the issue you face (e.g., unclear, too strict/vague, meets contradictory interpretations or practices):

5000 character(s) maximum

Directive 2014/23/EU

See comments on corresponding articles in Directive 2014/24/EU

Directive 2014/24/EU

Art 12: Too vague, in particular with regard to in-house and contracts between two or more contracting authorities as those could benefit from a more securing framework.

Art. 25: Unclear, as an a contrario interpretation is not satisfactory enough. Could also benefit from clarification on how it should be articulated with the IPI and the FSR.

Art. 32: Too strict.

Art. 33: Too strict as for how the term of framework agreements are determined.

Art. 57: Unclear and could meet contradictory interpretations. What should be precisely understood by grave professional misconduct? Is the period of exclusion of 3 or 5 years set in paragraph 7 applicable to all grounds of exclusion? The wording seems to imply so, but this does not make much sense in case of a conflict of interest or of undue influence (as what is important here is not when influence began but whether it is still an ongoing phenomenon at the time of a given procedure).

Art. 67: Unclear on how environment may be taken into account and could benefit from all the progress achieved with regard to GPP.

Art. 69: The notion of abnormally low tenders could be defined and the Directive should provide for more precise criteria and a calculation method.

Art. 72: Unclear, with regard in particular to the cumulative nature of (b)(i) and (ii), as (i) should be sufficient per se. The notion of overall nature of the contract could also be clarified.

Directive 2014/25/EU

Generally, see comments on corresponding articles in Directive 2014/24/EU

Art. 4 (and 8 to 14): criteria to qualify a public buyer as a contracting entity could be clarified.

Art. 43 & 85: see comments on Art. 25 of Directive 2014/24/EU. Moreover, the determination of the products' origin could be clarified or made more operational.

Directive 2007/66/EC

No comment

6. Which are the patterns and behaviours that do not stem from wrong application or of legal uncertainty, but indicate possible problems in the application of public procurement rules?

In case your answer to any of these questions is yes, additional options will appear below to provide further details.

1. Preference for lowest price as award criteria negatively affective quality of the purchase (if yes, please specify below)

- 2. Frequent use of derogatory procedures (if yes, please specify justifications used for derogatory procedures)
- 3. Frequent use of shortest possible deadlines (if yes, please specify below)
- 4. Recurrent award of contracts to the same economic operator
- 5. Recurrent award of contracts to third country economic operators not covered by GPA or by other international agreement (if yes, please specify justification below)
- 6. Contract awarded in suspected situation of unfair competition (if yes, please see below)
- 7. Low use of green requirements or award criteria (if yes, please provide us with further explanation below)
- 8. Low use of social requirements or award criteria (if yes, please provide us with further explanation below)
- 9. Low use of procurement of innovation (if yes, please provide us with further explanation below)
- 10. Lack of monitoring of implementation of contract (if yes, please specify below)
- 11. Other issues (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

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V. Qualitative reporting on application of public procurement review system

1. Please indicate relevant figures for the national review system in the table below, as described below.

(A) **Number of first instance review decisions** (all the first instance review decisions),

(B) **Median length of first instance reviews - median length of all the first instance reviews** (the number of calendar days between a starting date and an end date, where the starting date is when the complaint/action is registered and the end date is when the review decision is issued) and

(C) **Number of first instance review decisions that were appealed to the (next) judicial level and its results** - (all the first instance review decisions that were appealed to the (next) judicial level, both on merit or procedural reasons, in addition, it shall include the number of first instance review decisions that were

a) (primarily) upheld;

b) (primarily) rejected; or

c) neither upheld nor rejected by the (next) judicial level (e.g. because they were not yet decided, retracted).

	2021	2022	2023
A. Number of first instance review decisions	4708	4324	NC
B. Median length of first instance reviews	12 mois	12 mois	NC
C. Number of first instance review decisions that were appealed to the (next) judicial level and its results	886	815	NC

2. Indicate best practices that are aimed at reducing the number of obstructive complaints/actions for review (A)

5000 character(s) maximum

Sources pour les données relatives aux décisions :

https://www.conseil-etat.fr/content/download/184056/file/CE-RA23_activit%C3%A9%202022_WEB.pdf?v=1687767505

https://www.conseil-etat.fr/Media/actualites/documents/2022/07-juillet/rapport_activite_2021

In addition to the judicial settlement of disputes relating to public procurement, public buyers and contract holders can have recourse to alternative dispute resolution (ADR) such as conciliation and mediation. In this respect, the Ministry of the Economy is piloting two ADR procedures relating to the performance of public procurement, one for conciliation - the Advisory Committees for the Amicable Settlement of Disputes Relating to Public Procurement Contracts (CCRA) - and the other for mediation - the “Médiateur des entreprises”, for which this is part of the activity.

1. CCRA

CCRAs are pre-litigation conciliation bodies, which can be called upon to deal with any dispute arising during the performance of a public procurement. They investigate legal and factual aspects of the dispute in order to propose an amicable and equitable solution to stakeholders. They issue opinions which the parties are free to follow or not. Their work is free of charge for stakeholders.

The rules governing competence, composition, organization and operating procedures of CCRAs are set out in articles R. 2197-1 to D. 2197-22 of the French Public Procurement Code.

There is one national committee and 7 local, inter-regional or inter-departmental committees: Bordeaux, Lyon, Marseille, Nancy, Nantes, Paris and Versailles.

CCRAs are an effective alternative to going to court, helping to relieve congestion in the courts and promote good management of public funds by avoiding disputes which are often long and costly, both for companies and for buyers. They also make it possible to find balanced solutions which better preserve subsequent relations between stakeholders than would be the case in court.

8 CCRA	2020	2021	2022	2023	
Referrals registered		173	180	161	196
Opinions issued		96	145	112	136

In 2022, the number of referrals and opinions is down on 2021, mainly due to the fact that 2021 saw a catch-up of cases which could not be presented in 2020 due to constraints linked to the Covid 19 pandemic. Cases are mainly referred to CCRAs by contract holders, who are usually represented by lawyers. The majority of referrals concern the performance of works contracts. The majority of disputes concern challenges to penalties or claims for payment for additional services. The financial amounts involved range from a few thousand euros to several tens of millions of euros. The opinions issued are generally followed by public buyers.

2. Médiateur des entreprises

Appointed by decree of the President of the Republic, the « Médiateur des entreprises » provides a public service of mediation, under the responsibility of the Minister of the Economy, for public and private sectors' entities. Its competence to deal with public procurement is embodied in the code of public procurement

(article L. 2197-4, articles R. 2197-23 and R. 2197-24).

The « Médiateur des entreprises » also bears a general mission of promoting alternative dispute resolution methods.

The main difference with the « conciliation process », also provided for by the code of public procurement, is that the mediator does not express any opinion on the litigation but helps the parties to find a mutually beneficial agreement.

The mediators acting under the aegis of the Médiateur des entreprises respect the European Code of Conduct for Mediators file:///C:/Users/meiller-chapeaux-adc/Downloads/Code_of_conduct_EU_EN.pdf

In the past 3 years, the activity in the field of public procurement has remained quite stable (around 15 to 20% of the mediation requests handled by the Médiateur des entreprises, and a total of 300 requests per year), mainly linked to execution disputes leading to late payment in the process of public works procurement.

Parties in a mediation process generally find an agreement in a period of 3 months with an average rate of resolution of 70%.

In 2023, the Mediateur des entreprises also led a « sectoral mediation » in the field of public communication procurement aiming at defining best practice guidelines for a financial compensation to unsuccessful bidders.

3. Indicate best practices that are aimed at reducing the length of first instance review decisions as marked in the previous column (B)

5000 character(s) maximum

NC

4. Indicate best practices that are aimed at reducing the number of first instance review that were appealed to the next judicial level as marked in the table above (C)

5000 character(s) maximum

NC

VI. Fraud, corruption, conflict of interests and other serious irregularities

Describe the actions undertaken and/or mechanisms put in place to ensure prevention, detection and adequate reporting of case of public procurement serious irregularities including fraud and corruption and conflicts of interests.

1. Regulatory requirements on:

- Enhanced rules on the application of whistle-blower system
- Enhanced rules on transparency
- Enhanced rules on conflict of interest
- Enhanced rules on anti-corruption
- Enhanced rules on the application of exclusion grounds

Other rules (if yes, please describe below)

1.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

The French Competition Authority (L'Autorité de la concurrence (ADLC)) uses a wide range of means to prevent and detect anti-competitive practices in public procurement. These resources raise both to its general investigative powers and to the organisation of specific actions relating to public procurement. In terms of detection, the ADLC can lead investigations based on a variety of sources, including a referral from a complainant, a leniency application, internal and external whistleblowers, as well as evidence and administrative investigation reports forwarded by the direction générale de la concurrence, de la consommation et de la répression des fraudes (DGCCRF).

Since Law no. 2022-401 of 21 March 2022 to improve the protection of whistleblowers (transposing the European Directive of 23 October 2019) and Decree no. 2022-1284 of 3 October 2022, the ADLC has been designated as the competent authority to receive alerts relating to anti-competitive practices and state aids. The new system, which complements ADLC's means of detection, will enable individuals whistleblowers to inform ADLC directly when they witness an anti-competitive practice, including in the context of public procurement, without having to report it internally within their company.

The system for collecting and handling whistleblowers, which involves guaranteeing the confidentiality of the whistleblower's identity and specific internal organisation of the teams authorised to receive whistleblowers' reports, was set up within ADLC in 2023. A dedicated page has been created on ADLC website explaining the system set up, the guarantees associated with whistleblower status, the handling of the alert and follow-up to the procedure.

As the system was introduced in 2023, no cases of anti-competitive practices were detected on this basis during the period under review (2020-2022).

A press release was published by ADLC in this context on 23 October 2023

Following the example of its European and international peers, ADLC, in parallel with the investigative resources described above, is continuing to work with the departments of the Ministry of the Economy on the set-up of tools for the automatic collection and analysis of public procurement data, in order to detect collusive behaviour even more completely.

This includes the use of a cartel index, which would enable ADLC to identify the calls for tender most likely to have given rise to a cartel, and to focus its investigative efforts on these.

A digital economy department was set up within ADLC in January 2020.

This department's mission is to collaborate on investigations into anti-competitive practices in the digital economy. This department will be able to support investigating departments in setting up automatic investigation and detection methods, by example, thanks to the use of algorithms, based on the analysis of any data collected as part of the dematerialisation of public procurement.

In this context, ADLC has exchanged on this subject on several occasions, since 2018, with the Ministry of Economy, the Legal Affairs Department of this Ministry and the Economic Observatory for Public Procurement (OECP).

2. Enforcement measures:

- Reporting/monitoring system in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Reporting/monitoring system in place to measure fraud, corruption, conflict of interest and other serious irregularities
- Systemic audit in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Sanction system in place to remedy fraud, corruption, conflict of interest and other serious irregularities
- Other rules (if yes, please describe below)

2.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

During the period under review (2020-2022), ADLC adopted five decisions relating to possible cartel practices implemented during calls for tenders, and sanctioned companies for anti-competitive agreements:

- o Evolution of ADLC's decision-making practice regarding separate bids submitted by several entities of the same group: Decision 20-D-19 of 25 November 2020 (dismissal)
- o Concerted practices 'sanction aimed at distorting competition in a public procurement contract: Decision 21-D-05 of 4 March 2021 relating to practices implemented in the sector of technical management of the Lille metropolitan urban community's buildings.
- o Sanctioning two companies for drawing up roofing estimates in connection with work financed by state aid: Decision 21-D-06 of 11 March 2021 on securing tobacco outlets in the Pays de la Loire and Nouvelle-Aquitaine regions
- o Sanctioning a company that took part in the formation of an unjustified group with a view to responding to invitations to tender issued by public hospitals: Decision 22-D-04 of 2 February 2022 relating to practices implemented in the intercommunal hospital medical transport sector in Val d'Ariège and Pays d'Olmes
- o Sanctioning several companies for distorting the tendering procedures launched by various public authorities in Haute-Savoie, between 2010 and 2018, for the collection and management of their waste: Decision 22-D-08 of 3 March 2022 concerning practices implemented in the waste collection and management sector in Haute-Savoie.

During the period under consideration (2020-2022), ADLC's activity in detecting and sanctioning anti-competitive practices implemented in the context of public contracts can be summarised as follows:

- approximately between 5 and 20 external reports are received each year;
- approximately between 20 and 45 public procurement indices are forwarded by the DGCCRF to ADLC each year;
- approximately between 10 and 20 administrative investigation reports were received from the DGCCRF (including classification notes);
- no leniency applications were received during the period;
- at least one investigation has been opened during the period (2021) on the recommendation of the DGCCRF;
- in terms of referrals, ADLC referred to it on its own initiative once (2021) practices implemented in the roofing and carpentry renovation-restoration sector for public or private heritage buildings. This referral led to a decision in 2023 (decision 23-D-06 of 14 June 2023 Hauts-de-France region); a case was also referred to ADLC by a public institution (2022), which is currently under investigation;

- several investigations were under way between 2020 and 2022, and some were the subject of decisions during this period (five decisions were adopted by ADLC over the period in question, including four penalty decisions and one dismissal - see above) or successively in 2023 (Decision 23-D-06 of 14 June 2023, cited above; Decision 23-D-08 concerning practices implemented in the sector of engineering, maintenance, dismantling and waste treatment services for nuclear sites);
- ADLC received a rogatory commission from an examining magistrate (2020).

Judicial activity in the area of breaches of probity concerns offences grouped into the following categories:

- Bribery,
- Concussion,
- Favoritism,
- Illegal taking of interest,
- Concealment,
- Influence peddling,
- Misappropriation of public property by trustee,
- Money laundering.

These statistics are not specific to public procurement, but provide a general overview of offences.

In 2022, 2,173 people were implicated and referred by public prosecutors' offices in cases of breach of probity, representing an increase of +17.6% on 2017 (1,848 implicated people referred).

Among these 2,173 perpetrators referred in 2022, 411 (18.9% of referred perpetrators) were legal entities. 89% of individuals who received a criminal response for breach of probity were prosecuted in 2022 (1,025 individuals), 53% of whom were the subject of a judicial investigation. The high rate of prosecution is explained by the often complex and sometimes sensitive nature of these cases.

Although the criminal response rate fluctuates slightly from 2017 to 2022, it remains higher than the criminal response rate for all cases (excluding road traffic cases) at 95%, compared with 89% in 2022.

In 2022, 502 offences falling within the scope of the breach of probity were involved in the 408 convictions handed down. In four out of ten cases, the offences were bribery (42%), whether active (24%) or passive (18%), misappropriation of public property by a public official (24%), illegal taking of interest (11.6%) or favoritism (8.2%).

In comparison, in 2020, 362 offences falling within the scope of breaches of probity were included in the 278 convictions handed down, and in 2021, 451 offences were included in the 362 convictions handed down.

3. Soft law/Policy measures

- Guidance related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Recommendations related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Guidance on ethical conduct for public administration staff
- Guidance on fighting bribery practices
- Guidance on the detection of collusion/bid-rigging practices
- Guidance on compliance with competition rules
- National strategy to prevent fraud, corruption, conflict of interest, serious irregularities
- Action plan for the implementation of practices to prevent fraud, corruption, conflict of interest, serious irregularities
- Training/conference related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Reinforced cooperation among different state bodies
- Establishment of open-access information system to enhance transparency (public registry, declarations)
- Other measures (if yes, please describe below)

3.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Several competition policy initiatives have been carried out and several soft law instruments have been published by ADLC in connection with the objective of combating anti-competitive practices in public procurement.

« Guidance on compliance with competition rules »:

Guide for SMEs

In preventive approach, ADLC wishes to develop competition law's knowledge for all companies in order they avoid infringing the law and know how to use the competition law's tools to combat cartels or abuses to which they may be victim.

For SMEs, the challenge can be greater as it is more difficult to set up compliance policies and understand the competition law's rules which can have a huge impact on their development and, a fortiori, on the economy.

In January 2020, in an educational initiative, ADLC created an online space dedicated entirely to SMEs. In January 2020, ADLC published a guide for SMEs, entitled "Understanding the competition rules better", its website, with a chapter focusing on calls for tenders and the limits that should not be crossed.

Study of professional organizations

In January 2021, with the entry into force of new provisions exposing professional organizations to heavier and more dissuasive penalties, and in an effort to promote compliance, ADLC devoted a study to the application of competition law to these stakeholders.

It is a grid for analysing authorised and prohibited behaviour, in order to encourage compliance. The study is accompanied by a vade mecum listing good and bad practices.

« Action plan for the implementation of practices to prevent fraud, corruption, conflict of interest, serious irregularities »:

In May 2022, ADLC published a new framework document on competition compliance programmes.

The text includes an introduction setting out ADLC's powers in its monitoring's role, and three sections devoted respectively to:

-benefits of compliance programmes

-conditions and criteria which, according to ADLC, must be met in order to guarantee their effectiveness

-the role that can be played by the various compliance stakeholders who contribute to its overall success

The guidelines are complemented by a broader set of resources that ADLC provide to companies and associations of companies in order to support their compliance efforts. These additional resources are presented in the last section of the framework document. They can also be consulted on ADLC website in the section devoted entirely to "Compliance".

« Training/conference related to the prevention of fraud, corruption, conflict of interest, serious irregularities »

:

During the period under review, ADLC has organised training and awareness-raising events on competition issues in public procurement for an audience of public purchasers, in particular for the Ministry of the Armed Forces.

« Reinforced cooperation among different state bodies » :

The institutional architecture set up by the 2008 Economic Modernisation Law is based on the fundamental complementary investigative powers of DGCCRF and ADLC. DGCCRF, through its decentralised network, is

able to carry out close and permanent competitive monitoring of public procurement organised in France, particularly those of a local scope.

Cooperation with other public institutions was strengthened. In particular, discussions were held with the Public Prosecutor regarding the compensation procedures available to public institutions, like regional and local audit chambers and local authorities, to obtain compensation for damage suffered as a result of anti-competitive practices.

Guidance on fighting bribery practices, the Ministry of Justice broadcasted :

-On June 2, 2020, a circular on criminal policy in the fight against international corruption. This circular sets out the guidelines for criminal policy in the fight against international corruption.

-On January 10, 2022, a dispatch to all public prosecutors' offices concerning the French Anti-Corruption Agency (AFA) and its exchange procedures with public prosecutors' offices following on from the four protocols previously signed. The dispatch is available on the Ministry of Justice intranet.

-In December 2022, a fact sheet on the statute of limitations for offences against probity, entitled "Focus", which presents the rules governing the statute of limitations to all public prosecutors' offices. This fact sheet is available on the Ministry of Justice intranet.

-The circular of June 29, 2023 on relations between the judicial authority and financial jurisdictions aims to strengthen dialogue between them in order to improve detection and handling of breaches of probity.

Training/conference related to the prevention of fraud, corruption, conflict of interest, serious irregularities

Each year, the National School of Magistrates (ENM) provides several of training courses for all those involved in the anti-corruption criminal justice system (the training cycle on corruption).

VII. Level of SMEs' participation in public procurement

SMEs' participation

SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million.

Further information is available at http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en

1. Qualitative reporting on SME participation

Policy measures:

- Policy initiatives launched to support SMEs participation in public procurement;
- Measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities);
- Measures targeting the participation of start-ups and scale-ups in public procurement;
- Measures ensuring that payment for public contracts are made on time, especially in the case of SMEs;
- Measures addressing the payments to subcontractors;
- Guidelines for contracting authorities on the application of 'divide or explain' principle (concerning division into lots);
- Policy measures in place to monitor SME participation in subcontracting
- Other measures (if yes, please describe below)

1.1. Best practices.

Indicate best practices that are aimed at encouraging the participation of SMEs in public procurement as marked in the previous column.

Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

Guide to facilitate access by SMEs to public procurement : <https://www.economie.gouv.fr/daj/daj-publication-guide-pratique-faciliter-acces-des-tpe-pme-a-commande-publique>
Allotment in public procurement procedures principle
Creation of a startup observatory + Mission "Je choisis la french tech" : <https://lafrenchtech.gouv.fr/en/programme/je-choisis-la-french-tech/>
Essential data for public procurement listing acts of subcontracting, in particular by SMEs (https://www.economie.gouv.fr/files/files/directions_services/daj/marches_publics/dematerialisation/Notice_arr%C3%AAt%C3%A9s%20DECP_20230710%20.pdf?v=1710412144)

2. Quantitative reporting on SME participation

Please quantify the impact of these best practices in the table below:

2.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – above thres

	2021	2022
Value (in EUR million)	16%	21%

2.1.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – below threshold

	2021	2022	2023
Value (in EUR million)	51%	58%	NC

Please explain the calculation/assessment method used for collection of data.

Data: Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces. Retrieval of company size (SME) from INSEE's SIRENE database. Matched with the holder's SIREN (unique identification number for French legal units).

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 428,000 € excl. tax
- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

2.2. Number of contracts directly awarded to SMEs over total number of awarded contracts – above threshold

	2021	2022	2023
Number	40%	41%	NC

2.2.1. Number of contracts directly awarded to SMEs over total number of awarded contracts – below threshold

	2021	2022	2023
Number	61%	63%	NC

Please explain the calculation/assessment method used for the collection of data.

5000 character(s) maximum

Data: Economic Observatory of Public Procurement, based on declarations by French public buyers on the REAP online application. Secured data from the Ministry of the Armed Forces. Retrieval of company size (SME) from INSEE's SIRENE database. Matched with the holder's SIREN (unique identification number for French legal units).

Thresholds considered:

- 2021:

- o Supply & Services, Government: 139,000 € excl. tax
- o Supply & Services, Local authorities: 214,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 428,000 € excl. tax
- o Work: 5,350,000 € excl. tax

- 2022

- o Supply & Services, Government: 140,000 € excl. tax
- o Supply & Services, Local authorities: 215,000 € excl. tax
- o Supply & Services, Network operators & Defence and security contracts: 431,000 € excl. tax
- o Work: 5,382,000 € excl. tax

Statistics for 2023 are currently being collected and are therefore not reported (NC)

VIII. Practical implementation of national strategic procurement

1. Green procurement ('GPP')

Green Public Procurement ('GPP') is defined as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured." [1] A voluntary target of 50 % GPP per Member State in number and value of relevant procedures was proposed by the Commission and welcomed by the Council in 2008.

[1] Commission Communication (COM (2008) 400) "Public procurement for a better environment".

1.1. What is the state of play of green procurement in your Member State? (regulatory requirements and policy measures related to GPP)

1.1.1. How do you in general evaluate the degree of the GPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
- Existence of GPP policies/action plans,
- Provisions of practical support to practitioners,
- Results of monitoring of contracts which include sustainability requirements,
- Results of monitoring of sustainable outcomes.

- Implementation is advanced
- Implementation is in progress
- Implementation is low

The broad objectives in GPP policies are met:

- Yes
- Partially
- Not yet

1.1.2. Existing GPP regulatory requirements in your Member State:

- General legal obligation imposing GPP goals
- Sectoral regulations requiring sustainable development including public procurement
- Sectoral regulations encouraging sustainable development including public procurement
- Other regulatory requirements (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

- The French Public procurement code includes sustainable goals since 2006 (environmental, social and economic issues).
- The Climate and Resilience Act (Law No. 2021-1104) provides that contracting authorities include sustainable considerations in public procurement. Starting August 2026, CA will have to set:
 - For all contracts, performance conditions taking into account environmental considerations and award criteria taking into account environmental characteristics of the tender (= sole award criterion based on price or cost will be prohibited).
 - For some sectors, the obligation might be anticipated by 2025.
 - Performance conditions taking into account social or employment considerations, for contracts whose value is estimated to be equal to or greater than the European thresholds.
 - For big buyers (over 50 millions euros a year and for all buyers since green industry law -Law No. 2023-973): it was made compulsory to publish a strategy to promote social and environmental public procurement. Some indicators on social and environmental aspects must be included in this strategy since 2023.

1.1.3. GPP policy measures applied in your Member State:

- Guidelines to encourage the use of GPP
- National strategy to encourage the use of GPP
- National action plan to implement measurable objectives in GPP
- National target of GPP in certain sectors/in public procurement
- Monitoring/reporting on the use of GPP criteria
- Existence of national competence centre/national network of experts to promote the use of GPP
- Existence of specific working groups to promote the use of GPP in specific sectors
- Mandatory regular trainings for the promotion of GPP
- Optional trainings/events/workshops for the promotion of GPP
- Online information tool on the use/on best practices of GPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

The National Strategy on Sustainable Procurement encloses several actions:

Implement the Climate and Resilience Act with the ambition to reach 100% of the awarded contracts including an environmental consideration and 30% including a social consideration by 2025.

Share knowledge on SPP regulations and promote resources related to the EU GPP: <https://www.economie.gouv.fr/daj/achats-publics-responsables> (currently being updated).

Promote a national digital platform mostly dedicated to SPP intended to public buyers: <https://rapidd.developpement-durable.gouv.fr> (will be soon updated to become a space dedicated for public buyers for information, collaboration and exchanges concerning sustainable procurement).

Promote/develop a tool, intended to buyers, where they can find applicable regulations by sector: <https://3ar-na.fr/la-ref/>

Promote a green helpdesk to answer short questions (for free) from public buyers on environmental aspects: <https://www.ecologie.gouv.fr/sites/default/files/One-pager-guichet-vert-2023.pdf>

Promote/develop a website providing public buyers with templates of social and environmental clauses.

Aims to provide SPP indicators to help public buyers monitor and follow up on their sustainable practices.

Assist public buyers on their strategy to implement a responsible procurement (environmentally and ecologically): <https://rapidd.developpement-durable.gouv.fr/?action=publicPage&uri=intranetOnePage/8368>

1.2. What are the key challenges for the uptake of green public procurement?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of GPP criteria or a perception of some public buyers that such risk exists
- Lack of policy guidance and support on GPP
- Lack of policy strategy on GPP
- Lack of guidance on implementation of GPP requirements/criteria in procurement procedures
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

The National Strategy on Sustainable Procurement encloses several actions:

- Implement the Climate and Resilience Act with the ambition to reach 100% of the awarded contracts including an environmental consideration and 30% including a social consideration by 2025.
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- Promote/develop a tool, intended to buyers, where they can find applicable regulations by sector: <https://3ar-na.fr/la-ref/>
- Promote a green helpdesk to answer short questions (for free) from public buyers on environmental aspects: <https://www.ecologie.gouv.fr/sites/default/files/One-pager-guichet-vert-2023.pdf>
- Promote/develop a website providing public buyers with templates of social and environmental clauses.
- Aims to provide SPP indicators to help public buyers monitor and follow up on their sustainable practices.

Assist public buyers on their strategy to implement a responsible procurement (environmentally and ecologically): <https://rapidd.developpement-durable.gouv.fr/?action=publicPage&uri=intranetOnePage/8368>

So many different tools were implemented or are being implemented to provide public buyers with guidance and support on GPP (see “Best practices” in 1.1.3). However, these tools could be better applied with a greater visibility and assimilation by the users. Trainings, webinars and posts on various social networks are hence made available to promote such implementations. Moreover it’s not easy for buyers to conciliate different goals among environmental considerations.

2. Socially responsible public procurement ('SRPP')

Socially responsible public procurement is defined as procurement that takes into account one or several social considerations for advancing social objectives. SRPP covers a wide spectrum of social considerations, such as employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities and accessibility.

2.1. What is the state of play of SRPP in your Member State?

2.1.1. How do you in general evaluate the degree of the SRPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
 - Existence of SRPP policies/action plans,
 - Provisions of practical support to practitioners,
 - Results of monitoring of contracts which include social requirements,
 - Results of monitoring of social outcomes.
-
- Implementation is advanced
 - Implementation is in progress
 - Implementation is low

The broad objectives in SRPP policies are met:

- Yes
- Partially
- Not yet

2.1.2. Existing SRPP regulatory requirements in your Member State:

- General legal obligation imposing SRPP goals
- Mandatory requirements regarding employment from vulnerable groups
- Respecting minimum criteria on human- and labour rights in the value chain
- Specific SRPP requirements for the performance of contracts
- Mandatory exclusion grounds related to SRPP
- Sectoral regulations requiring equal treatment and non-discrimination

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

The French Public procurement code includes sustainable goals since 2006 (environmental, social and economic issues).

The Climate and Resilience Act (Law No. 2021-1104) provides that contracting authorities include sustainable considerations in public procurement. Starting August 2026, CA will have to set:

- Performance conditions taking into account social or employment considerations, for contracts whose value is estimated to be equal to or greater than the European thresholds.
- For some sectors, the obligation might be anticipated by 2025
- For big buyers (over 50 millions of euros/year and for all buyers since green industry law -Law No. 2023-973): it was made compulsory to publish a strategy to promote social public procurement. Some indicators on social aspects must be included in this strategy since 2023.

2.1.3. SRPP policy measures applied in your Member State:

- Guidelines to encourage SRPP
- National strategy to encourage SRPP
- National action plan to implement measurable objectives in SRPP
- National target of SRPP in certain sectors/in all sectors
- Monitoring/reporting on the use of SRPP criteria
- Existence of national competence centre/ specific working groups to promote the use of SRPP
- Mandatory regular trainings for the promotion of SRPP
- Optional trainings/events/workshops for the promotion of SRPP
- Online information tool on the use/on best practices of SRPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

French guidelines on social issues in public procurement: gather good practices

<https://www.economie.gouv.fr/daj/guide-sur-les-aspects-sociaux-de-la-commande-publique>

Link to the new Page on sustainable public procurement. The National Strategy on Sustainable Procurement encloses several actions:

- Implement the Climate and Resilience Act with the ambition to reach 30% including a social consideration by 2025.
- Share knowledge on SPP regulations and promote resources related to the EU GPP.
- Promote a national digital platform mostly dedicated to SPP intended to public buyers.
- Promote/develop a tool, intended to buyers, where they can find applicable regulations by sector.
- Social enablers for the integration and monitoring of social clauses are also made available to public buyers.
- Promote/develop a website providing public buyers with templates of social clauses.
- Aims to provide SPP indicators to help public buyers monitor and follow up on their sustainable practices.

Assist public buyers on their strategy to implement a responsible social procurement <https://www.economie.gouv.fr/daj/guide-sur-les-aspects-sociaux-de-la-commande-publique>

- Gather good practices and tools in 4 parts and sump up (flyer: 10 recommendations): social economy, inclusion of unemployed/ disadvantaged/handicaped persons, gender equality, fair working conditions
plateform for inclusion: inclusion.beta.gouv.fr

2.2. Key challenges – What are the key challenges in the uptake of SRPP?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of SRPP or a perception of some public buyers that such a risk exists
- Lack of policy guidance and support on SRPP
- Lack of policy strategy on SRPP
- Lack of guidance on implementation/insufficient implementation of policies on SRPP
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

French guidelines on social issues in public procurement : gather good practices and tools in 4 parts : social economy, inclusion of unemployed/ disadvantaged/handicaped persons, gender equality, fair working conditions. They are references to European guidelines on social considerations.

3. Public procurement of Innovation

An innovative solution is defined in 2014/24/EU Art.2 (1.22) as "a new or significantly improved product, service or process". This includes not only those solutions resulting from R&D but also those solutions

resulting from activities, "including but not limited to production, building or construction processes, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations." Please report on both dimensions.

3.1. What is the state of play of procurement of innovation in your Member State?

3.1.1. How do you in general evaluate the degree of the innovation procurement implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
 - Existence of innovation policies/action plans,
 - Provisions of practical support to practitioners,
 - Results of monitoring of contracts which include innovation aspects,
 - Results of monitoring of innovation procurement.
-
- Implementation is advanced
 - Implementation is in progress
 - Implementation is low

The broad objectives in policies supporting innovation are met:

- Yes
- Partially
- Not yet

3.1.2. Innovation policy measures applied in your Member State:

- Guidelines to describing the procurement of innovation
- National strategy to encourage the procurement of innovation
- National action plan to implement measurable objectives to procure innovation
- National target to procure innovation in certain sectors/in all sectors
- Monitoring/reporting on the procurement of innovation
- Existence of national competence centre/specific working groups develop policies on the procurement of innovation
- Mandatory trainings related to the procurement of innovation
- Optional trainings/events/workshops related to the procurement of innovation
- Online information tool on the use/on best practices related to the procurement of innovation
- Other policy measures (if yes, please describe below)

Other policy measures, please describe:

5000 character(s) maximum

Sectorial policies, for example in defense or in healthcare

Indicate best practices that are aimed at encouraging the procurement of innovation. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

Publication of the practical guide to innovative public procurement (<https://www.economie.gouv.fr/files/2020-08/guide-pratique-achat-public-innovant.pdf> , currently being updated), that provided illustrations and best practices for buyers
<https://www.defense.gouv.fr/sites/default/files/aid/DrOID%202022.pdf> : guidance reference document of innovation in defense
<https://sante.gouv.fr/professionnels/gerer-un-etablissement-de-sante-medico-social/performance-des-etablissements-de-sante/phare-11061/les-chantiers-operationnels/article/les-achats-d-innovation> : guidance reference document of innovation in healthcare

3.2. Key challenges – What are the key challenges for the uptake of Procurement of Innovation?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such a risk exists
- Risk of legal actions for procedures carried out wrongly
- Lack of policy guidance and support on Innovation
- Lack of policy strategy on procurement of innovation
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Other reasons, please describe:

5000 character(s) maximum

Innovation Buyers need implement public policies, and to know that innovation doesn't only concern research and development but can concern all procurements, even the most recurring.

Indicate best practices that are aimed at mitigating indicated issues.

5000 character(s) maximum

Publication of the practical guide to innovative public procurement (<https://www.economie.gouv.fr/files/2020-08/guide-pratique-achat-public-innovant.pdf> , currently being updated), that provided illustrations and best practices for buyers
<https://www.economie.gouv.fr/dae/orientations-strategiques/innovation/innovation-succes-garanti> : interviews present different successful PPI

IX. The level of competition in public procurement

1. Do you monitor the level of competition in public procurement in your Member State?

To assess please consider in particular: proportion of single bids, proportion of negotiated procedures without prior publication, proportion of cancelled tenders

- Yes, the level of competition is monitored
- Yes, the level of competition is partially monitored (not comprehensive for all the procurement markets)
- No, the level of competition is not monitored

If the reply to the previous question is yes, please indicate whether the level of competition compared to the previous reporting period:

- Increased
- Remained unchanged
- Decreased

If the reply to the above question is yes, please provide best practices (e.g.: including on the tools used, methodology, indicators, etc.)

5000 character(s) maximum

Level of competition is between two and four bids (on average) for each procedure since two years.

2. Did you launch/complete a comprehensive analysis of main causes of the lack of competition on the public procurement market during the current reporting period?

- Yes, a comprehensive analysis of main causes of the lack of competition was launched/completed in the current reporting period
- No, a comprehensive analysis of main causes of the lack of competition was not launched/completed in the current reporting period
- No, a comprehensive analysis of the main causes of the lack of competition was not launched/completed in the current reporting period as the level of competition is satisfactory

3. What are the sectors mostly concerned by low competition?

Please list the sectors concerned:

5000 character(s) maximum

No analysis on these subjects

Please list other relevant factors (for example regions, areas, level of administrative level, type of public buyer, calendar period):

5000 character(s) maximum

Not applicable

4. What are the main causes for the decrease in competition?

- 1. Structure of the market (e.g. size of the market)
- 2. Market concentration in the sectors concerned
- 3. Recurrent, particularly low number of bidders due to (if yes, please specify below):
- 4. Low attractiveness of the public procurement market, in particular (if yes, please specify below):
- 5. Anticompetitive market practices (collusions)
- 6. Other reasons (if yes, please specify below)

Please provide a link to any publicly available document relevant for the issues you indicated:

5000 character(s) maximum

Not applicable

X. Additional information

Please provide any other information you consider relevant:

5000 character(s) maximum

NAD

Contact

GROW-C2@ec.europa.eu