

# 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

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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

Sweden

\* Name of National Authority

The National Agency for Public Procurement (NAPP)

\* Name of Unit/Department

Ministry of Finance

\* E-mail address

registrator@uhmynd.se

Name of contact person (not published)

E-mail address of contact person (not published)

## II. The public procurement framework

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### 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.

- The Public Procurement Act (lagen (2016:1145) om offentlig upphandling):

[https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling\\_sfs-2016-1145/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161145-om-offentlig-upphandling_sfs-2016-1145/)

Main amendments:

<https://svenskforsattningssamling.se/sites/default/files/sfs/2022-06/SFS2022-778.pdf>

<https://svenskforsattningssamling.se/sites/default/files/sfs/2021-11/SFS2021-1110.pdf>

- The Act on Public Procurement in the Utilities Sectors (lagen (2016:1146) om upphandling inom försörjningssektorerna):

[https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom\\_sfs-2016-1146/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161146-om-upphandling-inom_sfs-2016-1146/)

Main amendments:

<https://svenskforsattningssamling.se/sites/default/files/sfs/2022-06/SFS2022-779.pdf>

<https://svenskforsattningssamling.se/sites/default/files/sfs/2021-11/SFS2021-1111.pdf>

- The Act on Public Procurement of Concessions (lagen (2016:1147) om upphandling av koncessioner):

[https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161147-om-upphandling-av-koncessioner\\_sfs-2016-1147/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20161147-om-upphandling-av-koncessioner_sfs-2016-1147/)

Main amendments:

<https://svenskforsattningssamling.se/sites/default/files/sfs/2022-06/SFS2022-780.pdf>

- The Defence and Security Procurement Act (lagen (2011:1029) om upphandling på försvars- och säkerhetsområdet):

[https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20111029-om-upphandling-pa-forsvars--och\\_sfs-2011-1029/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-20111029-om-upphandling-pa-forsvars--och_sfs-2011-1029/)

Main amendments:

<https://svenskforsattningssamling.se/sites/default/files/sfs/2022-06/SFS2022-781.pdf>

<https://svenskforsattningssamling.se/sites/default/files/sfs/2021-11/SFS2021-1112.pdf>

## 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	<p>The National Agency for Public Procurement (NAPP) has a universal remit to develop and support public procurement in Sweden</p> <p>In legal matters, the task is shared between the NAPP and the Swedish Competition Authority.</p>
Bodies responsible for monitoring and reporting	The Swedish Competition Authority (SCA)
Review bodies	The Swedish administrative courts
Bodies responsible for the e-procurement and the functioning of the public procurement web portal	<p>Digitalisation of public procurement is the joint responsibility of the The National Agency for Public Procurement (NAPP) and the Agency for Digital Government (DIGG):</p> <p>NAPP is to contribute to the digitalization of the purchasing process and participate in its standardization</p> <p>DIGG is tasked with promoting electronic procurement processes in the public administration and is responsible for matters relating to the European infrastructure for electronic procurement</p> <p>It should be noted that there is no national or central public procurement web portal in Sweden.</p>
Centralised procurement bodies	<p>There are four national centralized purchasing bodies in Sweden:</p> <ul style="list-style-type: none"> <li>• Statens inköpscentral, a department within the Legal, Financial and Administrative Services Agency (Kammarkollegiet)</li> <li>• Adda Inköpscentral AB, the CPB owned by the regions and municipalities of Sweden</li> <li>• Sinfra, a national CPB within the utilities sector</li> <li>• HBV purchasing function of public housing entities in Sweden</li> </ul>
Competence centres	This task could generally be attributed to the NAPP.
Other bodies	

### III. Key quantitative indicators on public procurement

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#### 1. The total number of awarded contracts

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

	2021	2022	2023
Number	16 613	12 276	N/A

\* 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*

The data is based on procurement notices published in registered advertising databases in Sweden.

The data is collected by the NAPP in Sweden. The NAPP is responsible for public procurement data in Sweden.

Above thresholds refers to contracts falling within the EU procurement directives. Below thresholds refers to contracts not falling within the EU procurement directives. In general, the data does not include direct awards.

The number of awarded contracts refers to the number of winning bids at the level of lots.

Reference year is not based on the date of the contract award. It is based on the date of launching the procurement procedure (i.e. the date of publication for the contract notice).

The data is based on information from contract award notices. Not all procedures have a contract award notice. Approximately 30 per cent of all procedures launched are missing a contract award notice. Therefore, the total number of contracts awarded each year is likely higher.

Data for 2023 is not yet available. It will be available in late 2024.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/statistik/>

The SCA has published the following guidance:

<https://www.konkurrensverket.se/upphandling/registrerade-annonsdatabaser/>

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

	2021	2022	2023
Number	6 297	4 132	N/A

\* 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*

The data is based on procurement notices published in registered advertising databases in Sweden.

The data is collected by the NAPP in Sweden. The NAPP is responsible for public procurement data in Sweden.

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Reference year is not based on the date of the contract award. It is based on the date of launching the procurement procedure (i.e. the date of publication for the contract notice).

The data is based on information from contract award notices. Not all procedures have a contract award notice. Approximately 30 per cent of all procedures launched are missing a contract award notice. Therefore, the total number of contracts awarded each year is likely higher.

Data for 2023 is not yet available. It will be available in late 2024.

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<https://www.upphandlingsmyndigheten.se/statistik/>

The SCA has published the following guidance:

<https://www.konkurrensverket.se/upphandling/registrerade-annonsdatabaser/>

## **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)	19 861	16 413	N/A

\* 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*

The data is based on procurement notices published in registered advertising databases in Sweden.

The data is collected by the NAPP in Sweden. The NAPP is responsible for public procurement data in Sweden.

Above thresholds refers to contracts falling within the EU procurement directives. Below thresholds refers to contracts not falling within the EU procurement directives. In general, the data does not include direct awards.

Reference year is not based on the date of the contract award. It is based on the date of launching the procurement procedure (i.e. the date of publication for the contract notice).

The data is based on information from contract award notices. Not all procedures have a contract award notice. Approximately 30 per cent of all procedures launched are missing a contract award notice. Furthermore, many contract award notices are missing information on value or have incorrect or unreasonable values such as 1 or 0 Swedish krona. Therefore, the total value of contracts awarded each year is likely higher.

Values are converted from SEK to EUR using an annual average.

Data for 2023 is not yet available. It will be available in late 2024.

Every year, the total value of purchases covered by the procurement regulations in Sweden is also estimated based on the Swedish national accounts. The value was estimated at approximately EUR 87 billion in 2021 (which is the latest data) including direct awards. It is not possible to estimate how much of this total value is attributable to procurements above respectively below the EU thresholds.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/statistik/>

<https://www.upphandlingsmyndigheten.se/statistik/annan-statistik/upphandlingspliktiga-inkop-for-879-miljarder-kronor/>

The SCA has published the following guidance:

<https://www.konkurrensverket.se/upphandling/registrerade-annonsdatabaser/>

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

	2021	2022	2023
Value (in EUR million)	2 991	2 353	N/A

\* 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

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The data is collected by the NAPP in Sweden. The NAPP is responsible for public procurement data in Sweden.

Above thresholds refers to contracts falling within the EU procurement directives. Below thresholds refers to contracts not falling within the EU procurement directives. In general, the data does not include direct awards.

Reference year is not based on the date of the contract award. It is based on the date of launching the procurement procedure (i.e. the date of publication for the contract notice).

The data is based on information from contract award notices. Not all procedures have a contract award notice. Approximately 30 per cent of all procedures launched are missing a contract award notice. Furthermore, many contract award notices are missing information on value or have incorrect or unreasonable values such as 1 or 0 Swedish krona. Therefore, the total value of contracts awarded each year is likely higher.

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<https://www.upphandlingsmyndigheten.se/statistik/annan-statistik/upphandlingspliktiga-inkop-for-879-miljarder-kronor/>

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

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### 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)

7. Procedures without publication wrongly justified by:

- Reference to unsuccessful previous procedure
- Lack of alternative solution
- Extreme urgency
- Other reasons

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'.

The NAPP provides support and guidance within public procurement by developing and disseminating know-how, tools and methods. The NAPP annually receives a large number of requests for participation in external events, such as seminars, lectures, or workshops. These requests often involve our experts contributing as speakers or panelists on topics related to public procurement, including sustainability, innovation, supplier diversity, legal aspects of the procurement process, and other relevant areas.

The Q&A-service at NAPP is provided by public procurement lawyers and experts by phone, chat and through an online question forum and it may be used by anyone with questions regarding public procurement or state aid. Target audience is mainly contracting authorities, entities and suppliers. Last year, the NAPP's Q&A-service answered over 7000 questions from contracting authorities/entities and suppliers. The observations made by the NAPP are based on data from the Q&A-service, conducted surveys and published reports.

Regarding preliminary market consultation:

The NAPP assesses that there is significant room for improvement regarding the procuring organizations' execution of pre-procurement dialogue with suppliers, commonly known as early dialogue. Inadequate or entirely absent early dialogue hampers the ability to ensure reasonable and relevant requirements. This is particularly crucial in an ever-changing environment. In contrast the NAPP assesses that the preparatory work of procuring organizations in the form of needs analysis functions relatively well.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/nationella-upphandlingsrapporten-2023.pdf>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/tidig-dialog/>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/behovsanalys/>

Regarding estimation of contract value the NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/berakna-vardet-pa-upphandlingen/>

<https://www.upphandlingsmyndigheten.se/frageportalen/2540981/vardet-av-en-direktupphandling/>

Regarding the use of procedures without prior publication the NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/valja-upphandlingsforfarande/forhandlat-forfarande-utan-foregaende-annonsering/>

## 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*

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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Regarding publication of contract award notices:

For example, of the total 18,421 procurements advertised in an advertising database registered at the SCA in 2021, approximately 60 percent of the contract award notices have been published. According to procurement regulations, both procurements above and below the threshold values should be published. The fact that nearly 40 percent of the procurements have not yet been published indicates significant shortcomings in compliance with the regulations.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/genomfor-upphandlingen/efterannonsering/>

<https://www.upphandlingsmyndigheten.se/frageportalen/2384170/vilka-direkttilldelningar-ska-efterannonseras/>

<https://www.upphandlingsmyndigheten.se/statistik/samlade-analysartiklar/stora-brister-i-efterannonseringen-av-upphandling/>

### 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.

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Regarding contract modifications the NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/olika-sorters-avtal-och-kontrakt/andringar-av-avtal/>

[https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/uhm\\_rapport2017\\_4\\_andringar\\_kontrakt\\_ramavtal\\_webb.pdf](https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/uhm_rapport2017_4_andringar_kontrakt_ramavtal_webb.pdf)

#### 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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Regarding the prior involvement of candidates or tenders, the national agency has published the following guidance:

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/tidig-dialog/>

<https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/de-grundlaggande-upphandlingsprinciperna/>

## 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*

Articles 10, 12, 32 and 74 in Directive 2014/24/EU.

More often than not all the exemptions allowing direct awards and negotiated procedures without publication raise problems of application. In particular, the scope of the rent exemption, the exemption for technical reasons and the extreme urgency exception.

## 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)

10. Lack of monitoring of implementation of contract due to:

- Lack of resources
- Lack of professionalisation
- Other reasons

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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The NAPP assesses that there is generally significant potential for improvement in the follow-up practices of procuring organizations. Inadequate follow-up runs the risk of leaving organizations unaware of how effectively their procurement activities contribute to achieving organizational goals.

Regarding monitoring of implementation of contract, the NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/realisera-avtalet/avtalsforvaltning-och-uppfoljning--vad-innebar-det/>

<https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/nationella-upphandlingsrapporten-2023.pdf>

## 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	2756	2726	2878
B. Median length of first instance reviews	76	65	50
C. Number of first instance review decisions that were appealed to the (next) judicial level and its results	487 a) 437 b) 55 c) 2	557 a) 507 b) 67 c) 1	742 a) 552 b) 195 c) 28

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

*5000 character(s) maximum*

In appeal cases, there are preclusion periods in both the administrative court and the administrative court of appeal. These preclusion periods regulate when the court may consider new circumstances that a party refers to as the basis for their claim. The preclusion period acts as a procedural rule for the court. The court's examination will be limited to the errors and deficiencies in the procurement process that a party has referred to within the specified time frame. The court will only exceptionally consider circumstances referred to later. The preclusion period applies only to cases related to procurements initiated on or after July 1, 2022.

The NAPP has published the following guidance:

[https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/overprovning-och-andra-rattsmedel/overprovning/av-en-upphandling/#om\\_reglerna\\_for\\_overprovning](https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/overprovning-och-andra-rattsmedel/overprovning/av-en-upphandling/#om_reglerna_for_overprovning)

**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*

In cases involving the review of public procurement, the court must handle the case expeditiously. However, this does not mean that there is a specific deadline by which the case must be decided. The requirement for expeditious handling can be expressed through measures such as limiting communication times with the parties involved and being cautious with granting extensions for submissions.

The NAPP has published the following guidance:

[https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/overprovning-och-andra-rattsmedel/overprovning/av-en-upphandling/#om\\_reglerna\\_for\\_overprovning](https://www.upphandlingsmyndigheten.se/regler-och-lagstiftning/overprovning-och-andra-rattsmedel/overprovning/av-en-upphandling/#om_reglerna_for_overprovning)

**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*

In order to examine a case, the court must grant leave to appeal. The administrative court of appeal may grant leave to appeal based on the following reasons:

1. The administrative court of appeal is uncertain about whether the administrative court made the correct judgment.
2. It is impossible to assess the correctness of the administrative court's decision without granting permission for review.
3. The case is of such significance that a higher instance court's ruling could serve as precedent for how other courts should decide similar cases in the future.
4. There are exceptional reasons to grant permission for review in order to examine the appeal further.

The administrative court of appeal has published the following guidance:

<https://www.domstol.se/kammarratten-i-stockholm/om-kammarratten/fragor-och-svar2/vad-kravs-for-att-fa-provningstillstand/>

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

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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.

Enhanced rules on transparency: in Sweden, there is a general duty to provide ex-ante transparency for procurement below-threshold procedures under conditions similar to procedures governed by the procurement directives.

Anti-corruption: The NAPP has published the following guidance on the prevention of conflict of interest and anti-corruption in public procurement:

[https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/2017\\_4\\_korruption\\_webb.pdf](https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/2017_4_korruption_webb.pdf)

The NAPP has also contributed in the creation of a new standard on integrity and accountability in public procurement (“Public procurement – Integrity and accountability – Requirements and guidance”):

<https://www.sis.se/produkter/foretagsorganisation/foretagsorganisation-och-foretagsledning-ledningssystem/inkop-upphandling-lagerhantering/ss-en-176872022/>

The NAPP does not have data on infringements specifically relating to public procurement procedures.

### 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.

The SCA is responsible for supervision of the Public Procurement Rules. The SCA have a prioritization policy that is used when the agency selects which issues to investigate further. One of the factors they consider is whether there are signs of corruption.

In march 2024, the SCA published a report on indications on corruption in the tip-offs that had come in between July 2019 and October 2022.

The SCA has published the following guidance:

[https://www.konkurrensverket.se/globalassets/dokument/engelska-dokument/english\\_prioritisation-policy-for-competition-and-public-procurement.pdf](https://www.konkurrensverket.se/globalassets/dokument/engelska-dokument/english_prioritisation-policy-for-competition-and-public-procurement.pdf)

<https://www.konkurrensverket.se/en/public-procurement/supervision-cases-and-decisions/how-we-prioritise/>

<https://www.konkurrensverket.se/informationsmaterial/rapportlista/indikationer-pa-misstankt-korruption/>

No such quantitative data is available specifically with reference to public procurement.

## 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.

The Swedish Agency for Public Management has been assigned by the Government to promote anti-corruption work in government agencies.

<https://www.statskontoret.se/in-english/publications/2023/step-by-step--government-agencies-are-making-progress-in-their-work-against-corruption.-final-report/>

No such quantitative data is available specifically with reference to public procurement.

## VII. Level of SMEs' participation in public procurement

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### 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](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)

Other measures, please describe below:

*5000 character(s) maximum*

In the regulatory letter from 2023 The NAPP received two government assignments aimed at supporting the SMEs participation in public procurement. One assignment focused on the NAPP's support for businesses participation in public procurement, with a final report to the government office in 2023, and the other, which is still ongoing, on the participation of small businesses and idea-based organizations in public procurement.

### 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*

The NAPP provides support and guidance within public procurement by developing and disseminating know-how, tools and methods. The NAPP annually receives a large number of requests for participation in external events, such as seminars, lectures, or workshops. These requests often involve our experts contributing as speakers or panelists on topics related to public procurement, including sustainability, innovation, supplier diversity, legal aspects of the procurement process, and other relevant areas.

The Q&A-service at NAPP is provided by public procurement lawyers and experts by phone, chat and through an online question forum and it may be used by anyone with questions regarding public procurement or state aid. Target audience is mainly contracting authorities, entities and suppliers. Last year, the NAPP's Q&A-service answered over 7000 questions from contracting authorities/entities and suppliers. The observations made by the NAPP are based on data from the Q&A-service, conducted surveys and published reports.

Best practices regarding SMEs participation in public procurement can be found in the NAPP:s final report on the government assignment concerning support for businesses' participation in public procurement. Further on in the appendix the NAPP has provided, an overview of selected assignments and initiatives since the authority was established in 2015.

The NAPP has published the following guidance regarding SMEs participation in public procurement:

<https://www.upphandlingsmyndigheten.se/kunskapsbank-for-offentliga-affarer/publikationer/upphandlingsmyndighetens-stod-till-foretag/>

## 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 threshold**

	2021	2022	2023
Value (in EUR million)	N/A	N/A	N/A

**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)	N/A	N/A	N/A

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

There is no reliable data available.

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

	2021	2022	2023
Number	12 113	8 873	N/A

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

	2021	2022	2023
Number	4 912	3 269	N/A

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

5000 character(s) maximum

The data is based on procurement notices published in registered advertising databases in Sweden.

The data is collected by the NAPP in Sweden. The NAPP is responsible for public procurement data in Sweden.

Above thresholds refers to contracts falling within the EU procurement directives. Below thresholds refers to contracts not falling within the EU procurement directives. In general, the data does not include direct awards.

The number of awarded contracts refers to the number of winning bids at the level of lots.

Reference year is not based on the date of the contract award. It is based on the date of launching the procurement procedure (i.e. the date of publication for the contract notice).

The data is based on information from contract award notices. Not all procedures have a contract award notice. Approximately 30 per cent of all procedures launched are missing a contract award notice. Therefore, the total number of contracts awarded each year is likely higher.

The data on company size is not based on information in the procurement notices. Data on company size is instead based on information available in national business registers. Company size is defined solely by the number of employees (no consideration taken to e.g. turnover or balance sheet total). No consideration is taken of partnerships or linkages between individual enterprises when defining company size.

Data for 2023 is not yet available. It will be available in late 2024.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/statistik/>

## VIII. Practical implementation of national strategic procurement

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### 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 NAPP provides support and guidance within public procurement by developing and disseminating know-how, tools and methods. The NAPP annually receives a large number of requests for participation in external events, such as seminars, lectures, or workshops. These requests often involve our experts contributing as speakers or panelists on topics related to public procurement, including sustainability, innovation, supplier diversity, legal aspects of the procurement process, and other relevant areas.

The Q&A-service at NAPP is provided by public procurement lawyers and experts by phone, chat and through an online question forum and it may be used by anyone with questions regarding public procurement or state aid. Target audience is mainly contracting authorities, entities and suppliers. Last year, the NAPP's Q&A-service answered over 7000 questions from contracting authorities/entities and suppliers. The observations made by the NAPP are based on data from the Q&A-service, conducted surveys and published reports.

The NAPP provides a criteria service containing recommendations on environmental and social requirements to be used when purchasing goods, services and works. The criteria service contains approximately 600 criteria. The criteria are recommendations, and all criteria can be used freely. There are three levels of environmental criteria: basic, advanced, and spearhead. Some of the product groups are inspired by the EU GPP criteria. The sustainability criteria for GPP are available on the NAPP's webpage within the following product groups:

- IT and telecom
- Building and property
- Cleaning and chemicals

- Vehicles and transport
- Office and textiles
- Food
- Nursing and care
- Toxic-free pre-school

In addition to the sustainability criteria the NAPP provides guidance on green public procurement for different sectors and topics, some examples includes: construction and buildings, food, circular economy, chemical substances, climate impact, environmental management systems, environmental labelling and life cycle costing.

The national agency has published the following guidance:

<https://www.upphandlingsmyndigheten.se/kriterier/>

### 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)

Other policy measures, please describe:

*5000 character(s) maximum*

Public procurement is mentioned in different national strategies such as the national strategy for circular economy and the national action plan for the climate.

<https://www.regeringen.se/globalassets/regeringen/dokument/finansdepartementet/pdf/2016/upphandlingsstrategin/nationella-upphandlingsstrategin.pdf>

<https://www.regeringen.se/rattsliga-dokument/skrivelse/2024/03/skr.-20232497>

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*

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The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/kriterier/>

## 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*

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- Vehicles and transport
- Office and textiles
- Food
- Nursing and care
- Toxic-free pre-school

In addition to the sustainability criteria the NAPP provides guidance on green public procurement for different sectors and topics, some examples includes: construction and buildings, food, circular economy, chemical substances, climate impact, environmental management systems, environmental labelling and life cycle costing.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/kriterier/>

## **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 NAPP provides support and guidance within public procurement by developing and disseminating know-how, tools and methods. The NAPP annually receives a large number of requests for participation in external events, such as seminars, lectures, or workshops. These requests often involve our experts contributing as speakers or panelists on topics related to public procurement, including sustainability, innovation, supplier diversity, legal aspects of the procurement process, and other relevant areas.

The Q&A-service at NAPP is provided by public procurement lawyers and experts by phone, chat and through an online question forum and it may be used by anyone with questions regarding public procurement or state aid. Target audience is mainly contracting authorities, entities and suppliers. Last year, the NAPP's Q&A-service answered over 7000 questions from contracting authorities/entities and suppliers. The observations made by the NAPP are based on data from the Q&A-service, conducted surveys and published reports.

The NAPP provides a criteria service containing recommendations on environmental and social requirements to be used when purchasing goods, services and works. The criteria service contains approximately 600 criteria. The criteria are recommendations, and all criteria can be used freely. There are three levels of criteria: basic, advanced, and spearhead. The sustainability criteria are available on the NAPP's webpage.

Apart from providing criteria for different product groups (see 1.1.2) NAPP is also providing criteria for

- labour law requirements
- employment promoting conditions

In addition to the sustainability criteria the NAPP provides guidance on equality, equal rights, children's rights and universal availability in public procurement.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/om-hallbar-upphandling/socialt-hallbar-upphandling/>

<https://www.upphandlingsmyndigheten.se/kriterier/>.

### 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*

In 2016 the Swedish Government adopted the National Public Procurement Strategy. The objective for the policy area public procurement is that all public procurement shall be efficient, legally certain and take advantage of the competition on the market. It shall also promote innovative solutions and take environmental and social concerns into account.

In general, there has been a limited quantitative data available that can be used to analyze green, social and innovative procurement at the national level. Due to the implementation of eForms, the access to such data will improve.

The Swedish government published the National Public Procurement Strategy:

<https://www.regeringen.se/globalassets/regeringen/dokument/finansdepartementet/pdf/2016/upphandlingsstrategin/nationella-upphandlingsstrategin.pdf>

### 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*

Measures to overcome the key challenges:

- Raising awareness and developing support for the importance of using public procurement as a strategic tool and applying a holistic perspective throughout the procurement process
- Development of web-based support on how to aim public procurement towards social goals such as full participation in society for people with disabilities, or equal opportunities for women and men, including for example sustainability criteria, guidelines, models and templates, and tools for analysis.
- More emphasis on measuring, monitoring, and follow-up.

Developing a national model promoting employment opportunities for disadvantaged groups, such as individuals experiencing difficulties in entering the labour market.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/om-hallbar-upphandling/socialt-hallbar-upphandling/>

<https://www.upphandlingsmyndigheten.se/kriterier/>

### 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)

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*

The Government has published The national strategy for procurement, which includes procurement of innovation:

<https://www.regeringen.se/globalassets/regeringen/dokument/finansdepartementet/pdf/2016/upphandlingsstrategin/nationella-upphandlingsstrategin.pdf>

The NAPP is a national competence center for innovation procurement and provide general support on the web on procurement of innovation. For example, the NAPP provides guidance regarding early dialogue, innovation partnership, best practices, case examples of innovation in procurement and buyers network. The NAPP is a national competence center for innovation procurement and provide general support on the web on procurement of innovation. For example, the NAPP provides guidance regarding early dialogue, innovation partnership, best practices, case examples of innovation in procurement and buyers network. The NAPP provides support and guidance within public procurement by developing and disseminating know-how, tools and methods. The NAPP annually receives a large number of requests for participation in external events, such as seminars, lectures, or workshops. These requests often involve our experts contributing as speakers or panelists on topics related to public procurement, including sustainability, innovation, supplier diversity, legal aspects of the procurement process, and other relevant areas.

The Q&A-service at NAPP is provided by public procurement lawyers and experts by phone, chat and

through an online question forum and it may be used by anyone with questions regarding public procurement or state aid. Target audience is mainly contracting authorities, entities and suppliers. Last year, the NAPP's Q&A-service answered over 7000 questions from contracting authorities/entities and suppliers. The observations made by the NAPP are based on data from the Q&A-service, conducted surveys and published reports.

In 2021, the Swedish government tasked the NAPP and other national agencies with implementing "measures for the utilization and commercialization of innovation." The NAPPs goal is to establish an innovation procurement arena that encourages government agencies and entities to conduct more innovation-focused procurements. Afori fulfills this role as the arena for innovation in procurement.

The NAPP is responsible for Swedish procurement statistics on a national level. It includes statistics on innovation procurement. The operationalisation of innovation procurement is based on EU standards. The operationalization of innovation procurement is based on EU standards.

The NAPP has published the following guidance:

<https://www.upphandlingsmyndigheten.se/innovation-i-upphandling/>

<https://www.afori.se/>

<https://www.upphandlingsmyndigheten.se/styra-och-leda-inkopsverksamhet/bestallarnatverk/>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/valja-upphandlingsforfarande/innovationspartnerskap/>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/tidig-dialog/>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/forbered-upphandling/behovsanalys/>

<https://www.upphandlingsmyndigheten.se/inkopsprocessen/genomfor-upphandlingen/funktionskrav-i-upphandling/>

<https://www.afori.se/goda-exempel>

<https://www.upphandlingsmyndigheten.se/kunskapsbank-for-offentliga-affarer/publikationer/upphandling-for-att-stodja-innovation/>

<https://www.upphandlingsmyndigheten.se/globalassets/dokument/publikationer/larandestudie-innovationsupphandling.pdf>

<https://www.upphandlingsmyndigheten.se/globalassets/dokument/upphandling/rapport-utvardering-10-projekt.pdf>

<https://www.upphandlingsmyndigheten.se/statistik/statistikdatabasen/?>

[area=upphandlingsstatistik&chartStacked=false&chartType=column&fetch=20&resultFormat=table](https://www.upphandlingsmyndigheten.se/statistik/upphandlingsstatistik/statistik-om-annonserade-upphandlingar-i-sverige-2022/vanligast-att-stalla-funktionskrav-i-innovationsupphandling-2022/)

<https://www.upphandlingsmyndigheten.se/statistik/upphandlingsstatistik/statistik-om-annonserade-upphandlingar-i-sverige-2022/vanligast-att-stalla-funktionskrav-i-innovationsupphandling-2022/>

### 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 work is generally associated with a certain risk, and that applies to innovation procurement as well. Therefore, innovation procurement projects are often dependent on external funding like traditional innovation projects. In Sweden financial incentives exist for innovation procurement but are quite small-scaled and that is a challenge for innovation procurement. For example, during 2023, The Innovation agency, Vinnova was offering checks for innovation procurement to contracting organisations. These checks were worth around 20 000 – 40 000 euro and could be used to procure external expertise or use external lab resources when planning and performing an innovation procurement. The total budget 2023 was 400 000 euro. Nowadays it is only possible to apply for innovations procurement funds in “general” calls (when this can be aligned with the call rules).

There is also state funding that has been allocated to structures that facilitate innovation procurements taking place, such as the buyer’s networks.

The NAPP has noted that a small or non-existent experience in innovation procurement is a challenge for contracting agencies. In order to initiate and evolve innovation procurements, contracting authorities need to strengthen their basic innovation maturity and knowledge.

Innovation procurements are complex processes that require a lot of resources and a collection of different competencies. The internal dialogue is essential, but it can be a challenge to understand all the unique perspectives. A higher level of understanding and to share knowledge between key roles are needed to succeed in innovation procurement. Therefore, it is important to create an understanding that process leading competence is needed to gather and conduct dialogue both internally and with potential suppliers.

Systematic work with risk minimization is important for the organization that is considering implementing an innovation procurement.

In conclusion, more information and tools are needed to demonstrate the societal and economic benefits of innovation procurement.

Indicate best practices that are aimed at mitigating indicated issues.

*5000 character(s) maximum*

The NAPP has noted that organizational learning obtained by working with innovation procurement has led to more successful innovation projects being implemented in the organizations. As well as using a cross-functional team that includes all key competencies is a success factor. In addition to competence in the area of activity to which the project relates, it is important to involve competence in law, procurement and purchasing as well as IT throughout the procurement process

If the market dialog was strengthened in between procurements this would produce better results regarding procurement of innovation. Since the companies would then be given the opportunity of a wider and deeper understanding of the needs in public sectors. Collaborations could then be possible in a broader scale and more innovations implemented.

The NAPP and Afori has published the following guidance:

<https://www.afori.se/i-fokus/>

<https://www.afori.se/innovationsuppropet/>

## IX. The level of competition in public procurement

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### 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*

The NAPP has published the following statistics:

<https://www.upphandlingsmyndigheten.se/statistik/upphandlingsstatistik/statistik-om-annonserade-upphandlingar-i-sverige-2022/48-anbud-per-upphandling-2022/>

<https://www.upphandlingsmyndigheten.se/statistik/upphandlingsstatistik/statistik-om-annonserade-upphandlingar-i-sverige-2022/fyra-av-tio-anbud-leder-till-avtal-2022/>

**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*

The NAPP does not have data concerning which specific sectors are affected by low competition.

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

*5000 character(s) maximum*

The NAPP does not have data concerning other relevant factors.

**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)

3. Recurrent, particularly low number of bidders due to:

- Structure of the market (e.g. monopolistic, oligopolistic market)
- Suspicion of collusion between bidders (bid rigging)
- Tailor-made public procurement procedures

4. Low attractiveness of the public procurement market, in particular:

- Lack of market knowledge of buyers (unrealistic demand)
- Lack of mid/long term planning of public procurement needs
- Not optimal contract size (too large for SMEs, too small for non SMEs)
- Complex tender documents and requirements
- Short period available for publication and submission of offer
- High administrative burden linked to submission of offer
- Lack of trust of companies in fair chances to win (e.g. suspicion of fraud, corruption, conflict of interests and other serious irregularities)
- Limited possibility of contract modification
- Strict contract terms and risk of penalties
-

High risk of delayed or no payment

Perceived unattractiveness of public procurement

6. Other reasons, please specify:

*5000 character(s) maximum*

According to the results in the National Procurement Report 2023, there is a widespread perception among companies, regardless of size, that there is too much focus on price when awarding contracts. This view is also shared by companies that have never submitted a public tender. However, the NAPP notes that this may be largely an established myth or unfounded rumor spreading, without any connection to or confirmation through the companies' own experiences.

In addition, the results also point out that companies, regardless of size, perceives a lack of dialogue between selling and buying parties in the public market. The results of the perceived time it takes to produce and submit a public tender show the same pattern.

Another noticeable result is that there is a significant difference in how companies of different sizes perceive the presence of fraud, corruption, conflict of interests and other serious irregularities in public procurement. Large companies perceive little of this, while the smaller the company is the more they perceive this is.

Companies of all sizes also perceive that there is not enough follow-up on awarded contracts. A common trend for companies of all sizes is that there is not enough emphasis on following-up on awarded contracts. This is perceived as a bigger issue the smaller the companies are.

In conclusion, the overall perception among most of the companies regardless of size, according to results in the National Procurement Report 2023, is that the present competition is not working as well as it could. On this topic there seem to be some agreement among different sized companies about the level of the present state in the market.

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

*5000 character(s) maximum*

The National Procurement Report 2023 presents and analyzes the results of two surveys - The National Procurement Survey and The National Procurement Agency for Public Procurement's Business Survey - which were carried out in October 2022. The report consists of three main chapters: Targeted Purchasing Management, Well-functioning Market and Accurate Procurement. Together, the chapters provide a comprehensive picture of how procuring organizations and suppliers perceive public procurement in Sweden.

The NAPP published The National Procurement Report 2023:

<https://www.upphandlingsmyndigheten.se/kunskapsbank-for-offentliga-affarer/publikationer/nationella-upphandlingsrapporten-2023/>

## X. Additional information

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Please provide any other information you consider relevant:

*5000 character(s) maximum*

In part V. Qualitative reporting on application of public procurement review system, question one, note that the number of determined cases in an administrative court, includes procurements not falling under the EU directives.

Further on, the number of decisions in court is higher than the number of reviewed procurements as each reviewed procurement can lead to several “case-numbers”/decisions in the courts.

## **Contact**

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