



EIBF Position Paper

Evaluation of the Public Procurement Directive

February 2025

Context

On 13 December 2024, the European Commission opened a public consultation with the aim to determine whether the rules set out in the 2014 EU Directive on Public Procurement are still fit for purpose and do meet the text initial objectives of, among others, providing more transparency, simplified procedures and a fair level playing field for SMEs to compete in public procurement tenders.

The **European and International Booksellers Federation (EIBF)** is the voice of booksellers in the European Union and beyond. EIBF's members are national Booksellers Associations, who represent all kinds of book retailers, a majority of those being small and medium-sized independent and family-owned bookshops. As representatives of SME retailers, for whom public procurement contracts often represent an integral part of their business, EIBF welcomes this timely evaluation of the Directive and the opportunity to provide feedback on necessary improvements.

The relationship between bookshops, schools and libraries is a crucial and complementary one, which helps guaranteeing a balance within the book value chain. It is a mutually beneficial relationship, built as much on financial aspects as on cultural and educational purposes. Supplying books to schools and public libraries represents an integral part of a bookshop's business and provides a reliable source of income, which supports the bookshop's overall economic viability and, ultimately, the local population's access to a wide range of books. In turn, public libraries and schools of all sizes across Europe have routinely relied on the expertise of their local bookseller to source their books, with the additional benefit that the money spent locally goes back into the local community through the bookshop's activities (provision of local jobs, author and literary events, payment of local taxes, etc).

Today, however, it has become more and more difficult for small independent bookshops to compete in public procurement 'calls for tenders' prepared by local or regional public authorities. Public book purchases are becoming increasingly larger in volume, they are advertised nationally or even across Europe, they contain numerous and often technically complex requirements, making it extremely difficult for smaller bookshops to compete, due to limits in their operational capacity. In most cases, only a few of the largest players are in a position to submit bids for such calls.

Therefore, when it comes to the public supply of books, the current legislative framework, and its national transposition, have not succeeded in countering the growing exclusion of small and local bookshops from the procurement process. EIBF thus calls for decision makers to carefully reconsider some of the rules set out in the 2014 EU Directive on Public Procurement in order to allow for a wide range of businesses to participate and compete on a level playing field in public procurement calls for tenders.

Our Position

From the point of view of the bookselling sector, the goals of the 2014 Directive, aiming to facilitate the participation of SMEs in public procurement tenders, have not been achieved. On the contrary, in 2025, the situation for book sector SMEs is deteriorating and local bookshops are struggling to supply books to libraries and schools in many EU countries. The issues pertain mainly to:

Too large tenders

- High volume book orders advertised through large calls for tenders benefit bigger suppliers (like book distributors or online shops with access to large storage spaces) to the detriment of smaller bookshops.

Too many and too complex requirements

- Many contracts contain numerous and often technically complex requirements, which small bookshops cannot meet (number of staff, annual turnover, supply of metadata, interoperable IT-systems, additional service requirements like wrapping books in plastic for library use, etc.).

Price being the main criterion considered in public tenders (in free book price countries)

- Where competition on the book price is allowed (in ‘free book price countries’ Sweden, Ireland, and Slovakia, for instance), price is overwhelmingly prioritised over other criteria (e.g. local relevance, local added value, sustainability, etc.). This disproportionately favours larger bidders, in and outside of the EU, who can afford to lower prices thanks to large storage capacities, economies of scale and, if they are based outside the EU, other, less stringent regulation allowing them to compete on other terms.

Lack of legal options to prioritise local public procurement

- Currently, it is not possible for schools, libraries or other public procurement authorities to, within the bounds of EU or national legislation, prioritise local procurement.

Practices of awarding contracts (Fixed book price countries)

- It is important to note one key specificity in certain countries (like Germany, Spain, France and the Netherlands, for instance) when it comes to the supply of books in public procurement contracts: competition on price is prohibited by law. This means that the offers will be identical with regards to price and thus ‘value for money’ must be found in other criteria.

A. A practice of awarding contracts by drawing lots

- In Germany, where competition on price is not possible (fixed book pricing), and offers are identical in terms of price, we have observed the emergence of a harmful practice of public procurement contracts being awarded by the drawing of lots. This has led to situations where a supplier located on the other side of the country can be favoured over a local supplier, despite the evident negative environmental effects of the additional shipping required to deliver the books. Not to mention that said alternative is also less time and cost efficient than, for instance, a local supplier would be.
- Another effect of drawing lots is an incentive to bid for multiple tenders in order to improve the chances of winning a contract at all, something which only large companies can afford to do, given the challenges of monitoring many different calls, broader geographic reach, and the need to be able to guarantee fulfilment of potentially multiple orders if this is the (unusual but possible) result of the luck of the draw.

B. Additional legal provisions

- In Dutch legislation, where competition on price is also not normally possible (fixed book pricing), a specific provision states that booksellers specialized in supplying books exclusively to libraries, may apply different discount rules than general bookstores when supplying their books. Down the line, this provision results in excluding all general bookshops in the Dutch market from participating at all in those call for tenders.
- In addition, in some occurrences, and despite the existence of the Dutch Fixed Book Price Act, the requesting and tendering party (being government institutions required to do so) does include pricing as a selection criterion in the application.

Our Asks

Recent EU procurement legislation has not resolved procurement issues for bookshops and remedies need to be put in place to avoid their exclusion from public procurement contracts. EIBF strongly recommends that the following requests be considered in the evaluation of the current Directive.

1. Simplify procedures for both bookshops and public authorities

- Small bookshops, and public authorities alike, suffer from the current cumbersome and complex administrative procedures inherent to calls for tenders. Streamlining and simplifying bidding and purchasing procedures, for instance through increasing the use of dynamic purchasing systems, would reduce the administrative burden significantly and could be conducive to increased participation of book sector SMEs.

2. Encourage the breaking up of large orders into smaller lots

- When larger contracts are divided into smaller lots (as per article 46 of the 2014/24/EU Directive on public procurement), it benefits competition for book sector SMEs, who are more likely to be able to compete for smaller contracts.
- However, the lots must be of a reasonable size, as too small contracts are not desirable either. What is a reasonable size, beneficial to competition in the book sector in a given state or region, should be established by the contracting authority during preliminary market consultations prior to the publication of the call.
- Smaller lots below value thresholds can enable simpler procedures, especially in contexts where fixed prices result in identical offers.

3. Encourage contracting authorities to weigh other and reasonable criteria of equal or higher importance than price

- Value for money can, and should, be sought in multiple criteria, such as social conditions, local relevance, local added value, sustainability, etc. However, while those criteria are welcome and can sometimes make a real difference between two offers, they should also be realistic and drawn up with extreme care, so as to not add disproportionate requirements and burdens on SMEs and thus exclude them from public procurement altogether.

4. Fill in knowledge gaps within contracting authorities on the effects of public procurement

- There is a knowledge gap within public authorities on the effects that public procurement has on both the intricate balance of the book sector and the local community.
- Increased and encouraged use of preliminary market consultations (as per article 40 of the 2014/24/EU Directive on public procurement) before the publication of a call for tender for the supply of books may help fill this gap.

- Additionally, it is desirable to provide public authorities with guidelines on the specificities of public book procurement.

5. Specific requirements for fixed book price countries

- Any further improvement of the current Directive should take into account the specific requirements/criteria for contracts for certain goods, like books, where competition on price is not allowed. It is necessary to specify alternative award criteria (social conditions, local relevance, establishment and contribution to the local community etc.), in which value for money can be found and which avoid the drawing of lots. However, those criteria should also align with the recommendations made above, in point 3.

6. Raise national thresholds for the procurement of books

- In countries like France, where national thresholds for book procurement are higher, direct purchasing is more frequently practised to the benefit of smaller, local bookshops. In turn, this is also beneficial for schools and libraries, who can build a direct and sustainable relationship with the bookseller and be supported by their expertise in the field.

Finally, we wish to reiterate that the book sector consists of an intricate balance between large and small players across the whole value chain. When public procurement supports this balance by creating opportunities that also allow small players to supply books to schools, libraries and other public authorities, there is a multitude of benefits for the sector, and for the local society. Local procurement of books is more efficient, more sustainable, contributes to a diverse literary and cultural offer, and lets money be reinvested in the local community.

About the European and International Booksellers Federation

The European and International Booksellers Federation (EIBF) is a Brussels-based non-commercial organisation that serves as the voice of booksellers at a European level and on the global stage. Through its members, national booksellers associations, EIBF represents the interests of booksellers of all types, from brick- and mortar and independent bookshops, to online sellers and chains.



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