



JOINT STATEMENT

on the revision of the EU Public Procurement Directive 2014/24

EU Sectoral Social Partners in the private security, contract catering, cleaning and facility management services

Brussels, 26 January 2026

With this Statement, we jointly respond to the European Commission's Consultation on the revision of EU Public Procurement Directive 2014/24 and underline the urgent need for its revision.

Our sectors provide essential services to millions of European citizens that are fundamental for their health, security and wellbeing. They rely significantly on public clients, ranging from Critical Infrastructure to government facilities and public services such as healthcare and education. Therefore, the revised framework should lead to better rules that help the private security, contract catering, cleaning and facility management sectors perform their essential and social function, as recognized during the COVID-19 crisis. In our view, the revised procurement rules must preserve contractual and economic equilibrium in labour-intensive services such as ours, where structurally low margins and long contract durations are the norm, in order to ensure service continuity, quality, and compliance with social and labour standards.

Moreover, the current Directive hinders the implementation of EU strategic goals such as socially responsible procurement and undermines the economic sustainability of our sectors. This is due to the over-reliance on the cheapest price, the lack of effective price revision mechanisms, the use, in the contract catering, of rigid sustainability criteria without adequate consideration of feasibility and costs (e.g. over-reliance on limited supply of premium organic products), and the persistence of abnormally low tenders. Extensive data and research from the EU institutions and their agencies



show that public procurement is mainly price-driven. It can be estimated that at least two thirds of public contracts in the EU do not have any social aspects – which weakens Collective Bargaining and incentivises a race to the bottom in working conditions and quality in essential services provided to European citizens. Fair competition can only be ensured by making compliance with applicable law and Collective Agreements (where they exist) a mandatory selection criterion. In our sectors (catering, cleaning and security), the absence of predictable price revision clauses - especially when wages change through collective agreements or legislation, or during periods of high inflation - forces providers to absorb external cost shocks and undermines investment in training, quality and sustainability, further driving the race to the bottom.

We see legal uncertainty created in Art. 18.2, 67, 69 and 72 as root causes for this problem and call for legal action that simplifies the current legal framework while effectively promoting socially responsible public procurement and the sustainable provision of essential services.

Concretely, we recommend:

- 1. Strengthen the mandatory social clause in Article 18.2 and ensure that public contracts are only awarded to bidders that comply with labour legislation and Collective Agreements (where they exist).** We are convinced that a simple and effective way to underline the binding character of Article 18(2) is to make compliance of bidders with labour law, legal obligations in regulated professions and Collective Agreements (according to national law and practices in industrial relations, e.g. concluded by the representative trade unions and employer organisations, or generally applicable Collective Agreements, where they exist) a mandatory selection criteria.

It should be explicitly stated that Collective Agreements can never be considered a discriminatory measure in public contracts and that Member States must fight abnormally low tenders and ensure that contractors comply with applicable labour law and Collective



Agreements (according to national law and practices in industrial relations, e.g. concluded by the representative trade union and employer organisations, or generally applicable Collective Agreements, where they exist) as mandatory selection criteria in Articles 18.2 and 67. The Article leaves it however to the discretion of national law to define “adequate measures” and does not provide legal certainty in its implementation – making it possible for public buyers to award contracts based on the cheapest offer only and to ignore Collective Agreements, facilitating abnormally low tenders. The Directive currently only mandates Member States to take “appropriate measures” to ensure that in the performance of public contracts operators comply with obligations in the fields of social and labour law, including Collective Agreements.

2. Provide in Article 67 legal certainty for public buyers on awarding contracts based on quality criteria, including by banning the awarding of contracts solely on price and by enabling contracting authorities to give priority to bidders who guarantee good working conditions for their own workers.

The revision should mandate the use of quality awarding criteria, encapsulated in the notion of the “economically most advantageous offer”, as outlined in the EFFAT-FoodServiceEurope¹, UNI Europa-EFCE² and UNI Europa-CoESS Best Value³ guides. This requires an adequate definition of the MEAT criterion that necessarily includes quality criteria other than price. Currently, Article 67 provides that the MEAT criterion ‘may include the best price-quality ratio, which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject-matter of

¹ Choosing Best Value in Contract Catering: <https://contract-catering-guide.org/wp-content/uploads/2019/09/Catering-Services-Best-Value-Guide-EN-Web.pdf> (EU-funded)

² Best Value Guide for the Cleaning sector: <http://www.uni-europa.org/wp-content/uploads/2018/10/Selecting-Best-Value-English.pdf> (EU-funded)

³ Securing Best Value: <https://www.securebestvalue.org/> (EU-funded)



the public contract in question'. Therefore, Article 67 not only allows for tenders to be awarded based on price only but allows contracting authorities to claim they are basing their decisions on a MEAT criterion when their decision is explicitly based only on price. Additionally, Article 67 currently only recommends the consideration of social aspects with a link to the subject matter of the contract – without clarifying the latter. As a consequence, it allows that any social criteria can be judged as not linked to the subject matter of the tender and therefore do not qualify as an applicable award criterion. The use and correct implementation of socially responsible procurement requires therefore the willingness and confidence from the contracting authorities to use quality awarding criteria. This needs to be fixed during the revision of the Directive, e.g. through a mandatory 60/40 quota of quality criteria outweighing price in the award of contracts - including legal certainty for public buyers on the definition of MEAT criteria / which awarding criteria they are allowed to use. In addition to the above points, we propose that the Directive provides sectoral Social Partners with the possibility to develop contract model clauses in partnership with the European Commission that identify applicable awarding and execution criteria for each sector, **simplifying the task for** public authorities and reducing administrative burden for both buyers and bidders. This is particularly important for our sectors, where labour costs dominate and quality outcomes (security, hygiene, food safety, infection prevention, occupational safety, training and retention) are directly impacted when awards are driven by the lowest price.

- 3. Adopt a definition of abnormally low tenders at EU level in Article 69 to ensure their exclusion.** We regret the lack of definition at EU level of objective criteria for the identification of abnormally low tenders which would bring clarity and additional legal certainty. Thus, we suggest a definition of abnormally low tenders whereby an offer is to



be considered abnormally low when the price or costs charged is more than 20% lower than the average cost or price of the other tenders. In addition, where tenders appear to be abnormally low for any other reason, contracting authorities should still be required to request economic operators to explain the price or costs charged.

- 4. Establish in Article 72 legal certainty for price revision mechanisms tied to changes in Collective Agreements, labour and fiscal law, significant increases in raw material and energy costs, and annual inflation rates above the 2% target of the ECB.** The current absence of legal certainty regarding price revisions threatens the financial sustainability of our sectors, impacting working conditions for essential workers and the quality and continuity of essential services. In labour-intensive services with long contract durations, the absence of effective and predictable price revision mechanisms prevents contracts from adapting to objective and external cost increases that are beyond the control of service providers. Moreover, the revised rules should end the forced extension of contracts in some sectors and countries. Operators must be granted the right to renegotiate contracts before any extension is imposed, in order to preserve contractual equilibrium and ensure continued provision of high-quality services.
- 5. Structured Market Dialogue:** The Directive should provide a stronger legal basis for dialogue between contracting authorities and the market. Early dialogue - before tender design - and structured interaction during award procedures would simplify procurement and facilitate quality-based awards in security, contract catering, cleaning and facility management services, including through cooperation with Social Partners, innovation partnerships and design contests as per Art. 78-82.