



Brussels, 28th August 2025

IMCO draft of EP Own-Initiative Report on Public Procurement: Division into lots

Dear Mr. Schwab, dear Mr. Arias Echeverría,

The current EU Public Procurement Directive 2014/24/EU rightly provides in Article 46(1) that “Contracting authorities **may** award a contract in the form of several lots and determine the size and subject matter of the lots. Contracting authorities shall... provide an indication of the main reasons for **their decision not to subdivide into lots...**”.

Recital 78 further clarifies that “**The size and subject-matter of the lots should be determined freely by the contracting authority... The contracting authority should have a duty to consider the appropriateness of dividing contracts into lots while remaining free to decide autonomously on the basis of any reason it deems relevant, without being subject to administrative or judicial supervision**”.

In light of the EU’s ambitious policy goals – from industrial decarbonisation and enhancing military mobility, to building a multimodal, high-quality trans-European transport network and ensuring access to sustainable, affordable housing – both the European construction sector and EU contracting authorities will need modern, adaptable and efficient EU procurement rules. These rules should give them the flexibility to choose, from among a wide range of procurement tools, the most appropriate method for each specific project.

The signatory federations therefore strongly believe that, while contracting authorities should continue to properly assess whether it is appropriate to divide contracts into lots, they must preserve the freedom to determine autonomously the number, size and scope of those lots, without being subject to administrative or judicial interference.

We therefore urge Members of the European Parliament, at the upcoming Plenary Session, to support maintaining the current wording of Article 46, as reinforced by Recital 78, of the EU Public Procurement Directive 2014/24/EU, when voting on the IMCO Report on Public Procurement, 2024/2103 (INI).

We remain at your disposal to provide further clarification or to discuss our position in detail.

A handwritten signature in black ink, appearing to read 'Gustavo Martínez', with a stylized flourish at the end.

Gustavo Martínez
President EIC

A handwritten signature in blue ink, appearing to read 'Piero Petrucco', with a stylized flourish at the end.

Piero Petrucco
President FIEC