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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	22 October 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2025) 7084 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 22.10.2025 amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the thresholds for concessions for the years 2026-2027

Delegations will find attached document C(2025) 7084 final.

Encl.: C(2025) 7084 final



EUROPEAN
COMMISSION

Brussels, 22.10.2025
C(2025) 7084 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 22.10.2025

**amending Directive 2014/23/EU of the European Parliament and of the Council in
respect of the thresholds for concessions for the years 2026-2027**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Article 9 of Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts¹ empowers the Commission to adopt delegated acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union, to revise the thresholds for concessions.

Article 9 of Directive 2014/23/EU also provides for the urgency procedure to be used, in accordance with Article 49 of that Directive, in the event of time constraints.

In accordance with Article 9(1) of Directive 2014/23/EU, the thresholds are to be calculated on the basis of the average daily value of the euro in terms of special drawing rights (SDRs), over a period of 24 months ending on 31 August preceding the revision, with effect from 1 January. Consequently, calculation of the thresholds cannot start earlier than 1 September for reasons of data availability. Furthermore, in accordance with Article 9(3) of that Directive, the revised thresholds (in euro) and their corresponding values in other European Union national currencies must be published by the Commission in the *Official Journal of the European Union* at the beginning of November.

In view of the above, and to meet the above-mentioned deadline, the Commission is using the urgency procedure to adopt this Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission Government Experts Group on Public Procurement was consulted on this Regulation and the accompanying Communication.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The calculation of the thresholds for the public procurement directives is a purely mathematical operation. Therefore, the revision of the thresholds is merely a technical exercise. It must be carried out every two years in accordance with the terms of the World Trade Organization Agreement on Government Procurement (GPA). The purpose of the adjustments is to correct for any currency movements between the signatories which would affect the extent to which their procurement markets are open to competition from companies in other signatory countries.

The GPA sets thresholds in SDRs and has a mechanism for recalculating the equivalent value in the currencies of its parties every two years. This mechanism is given legal effect through Article 9 of Directive 2014/23/EU.

For reasons of consistency, those thresholds in Directive 2014/23/EU which are not covered by the GPA should also be aligned.

¹ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1, ELI: <http://data.europa.eu/eli/dir/2014/23/oj>).

COMMISSION DELEGATED REGULATION (EU) .../...

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amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the thresholds for concessions for the years 2026-2027

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts¹, and in particular Article 9(4), second subparagraph, thereof,

Whereas:

- (1) By Decision 2014/115/EU², the Council approved the Protocol Amending the Agreement on Government Procurement³ concluded within the framework of the World Trade Organization. The amended Agreement on Government Procurement ('the Agreement') is a plurilateral instrument and its purpose is to mutually open government procurement markets among its parties. The Agreement applies to any procurement contract with a value greater than or equal to the amounts ('thresholds') set therein, expressed in terms of special drawing rights.
- (2) One of the objectives of Directive 2014/23/EU is to allow the contracting entities and contracting authorities applying that Directive to comply at the same time with the obligations laid down in the Agreement. To ensure that the threshold for concessions set in Article 8(1) of Directive 2014/23/EU corresponds to the threshold for concessions set in the Agreement, the threshold set in that Directive should be revised.
- (3) Article 9(1) of Directive 2014/23/EU requires the Commission to revise the thresholds every two years, with effect from 1 January. Consequently, the thresholds for 2026-2027 should apply from 1 January 2026.
- (4) Directive 2014/23/EU should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 8(1) of Directive 2014/23/EU, 'EUR 5 538 000' is replaced by 'EUR 5 404 000'.

¹ OJ L 94, 28.3.2014, p. 1, ELI: <http://data.europa.eu/eli/dir/2014/23/oj>.

² Council Decision 2014/115/EU of 2 December 2013 on the conclusion of the Protocol Amending the Agreement on Government Procurement (OJ L 68, 7.3.2014, p. 1, ELI: [http://data.europa.eu/eli/dec/2014/115\(1\)/oj](http://data.europa.eu/eli/dec/2014/115(1)/oj)).

³ Protocol Amending the Agreement on Government Procurement (OJ L 68, 7.3.2014, p. 2, ELI: <http://data.europa.eu/eli/prot/2014/115/oj>).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22.10.2025

For the Commission
The President
Ursula VON DER LEYEN