

Public Procurement 2025

i Last Updated April 08, 2025

Trends and Developments
Authors

Romania

Trends and Developments

Overview of Last Year

2024 saw the continuation of the reforms and revision processes initiated since 2022 and consolidated within the National Strategy for Public Procurement for 2023-2027 (the “Strategy”) in 2023. The reforms have continued at an intensified pace which has been driven by the pressure to meet the milestones in Romania’s National Recovery and Resilience Plan (the “NRRP”) which have already been delayed.

While most of the important public procurement NRRP milestones have been reached, their implementation is not yet obvious and public procurement procedures are not yet fully operational. However, initial effects are expected during the course of 2025.

Following the infringement procedures initiated by the European Commission against Romania for non-compliance with the EU legislative rules on public procurement, the public procurement legislation in Romania has been amended by the non-compliant legal text being repealed. The public procurement legal framework has also been amended in line with the directions set out in the Strategy.

Elsewhere, continuing the rekindling of interest in implementing public-private partnership (PPP) projects, new guidelines and new legal amendments were adopted in 2024 regarding PPP projects.

The status of some of the main milestones within the Strategy, as well as other relevant developments and potential trends anticipated in 2025 are analysed below.

Economic Context

Against the backdrop of a complicated political picture in 2024, Romania’s public deficit is projected to reach 7.7% of GDP in 2025, slightly above the government’s target of 7%.

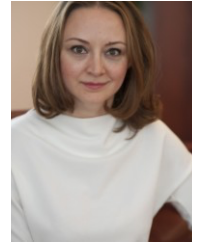
This increased public deficit is expected to put pressure on public investments, which are scheduled to increase from 6.7% to 7.8% of GDP. This includes an increased focus on absorbing EU funds for major infrastructure and development projects.

Given that Romania fell from 8th place to 18th place in the list of EU countries, by number of instalments received from the National Resilience Fund in 2024 and absorbed 1% of the EUR44 billion allocated throughout the Cohesion Policy at the end of 2024, 2025 is expected to bring an intense focus on large infrastructure projects.

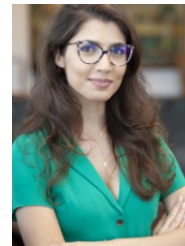
Strategic Procurement



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As highlighted in the Romania Trends & Developments chapters of the [2023](https://drive.google.com/file/d/1VQfyyoZUI0XdXcPLN0uFqa-Rt_WC7Mzq/view?usp=sharing) (https://drive.google.com/file/d/1VQfyyoZUI0XdXcPLN0uFqa-Rt_WC7Mzq/view?usp=sharing) and [2024](https://drive.google.com/file/d/1fBs8i00JsHGkxWk5-qTfOxxJCHl9dW84/view?usp=sharing) (<https://drive.google.com/file/d/1fBs8i00JsHGkxWk5-qTfOxxJCHl9dW84/view?usp=sharing>) editions of this guide, this priority area of the Strategy addresses widespread adoption of green public procurement (GPP) and innovative public procurement (IPP), as well as social contracts. All of these instruments are either underutilised or not used at all by contracting authorities.

GPP

During 2023 and 2024, the National Agency for Public Procurement (the “ANAP”) implemented regulations setting out several sets of ecological procurement criteria for 11 types of products, ranging from computers, paper, furniture, electrical and electronical equipment used in medical aid, vehicles, etc.

In December 2024, a National Green Public Procurement Plan for 2024-2030 (the “GPP Plan”) was launched for public consultation. As part of this Plan, Romania has set ambitious targets for GPP, aiming to reach at least 30% of GPPs by 2027.

In this respect, in line with the current draft of the GPP Plan, further amendments to the national public procurement legislation are expected to be adopted, in order to enable the use of GPP and to secure the technical means of reporting and monitoring.

Given that public procurement’s share of Romanian GDP has increased from 8% in 2018 to 19% in 2023, GPP is at least intended to significantly impact public investments, in alignment with existing EU environmental objectives.

In practice, based on experience from previous years, most recently in 2024, given the still weak administrative capacity of contracting authorities, GPP is not expected to become a useful tool for actual sustainable procurement during 2025. Unnecessary restrictions preventing participation in certain public procurement procedures are also expected to remain in place.

IPP

According to the 2024 country profile of Romania in Europe-wide benchmarking of national policy frameworks for innovation procurement drafted for the European Commission, Romania is ranked 26th in the ranking of national innovation procurement policy frameworks in Europe, with a total score of 15.81%. Even though Romania improved its score from previous assessments (from 12.9% to 15.81%), it fell one place (from 25th to 26th) compared to the previous benchmarking as “other countries improved their policy framework faster”.

Throughout 2024, no notable developments in IPP occurred, with the focus still being on the professionalisation of public procurement staff to enable them to support IPP.

Given the low policy frameworks score for IPP, it is not surprising that there are no initiated or planned IPPs as of the time of writing and none are expected in 2025.

Expanding Centralised Procurement

Over the course of 2024, centralised procurement picked up, with seven centralised procurement units being made operational and the National Office for Centralised Procurement (the “ONAC”) having its purchase scope expanded, to include certain medical products.

Despite this, no notable guidelines and directions on the type of products and services that are suitable for centralised procurement have emerged, leaving this process at an intermediate development stage in terms of the goals set out in the Strategy.

As the milestone for operational centralised public procurement units is set for December 2025, we may expect to see faster development in this respect.

Digitisation of the Public Procurement Portal: The Fastest Reform

The main reforms for improving the functionality of the public procurement portal (SEAP) seem to have been implemented in 2024, despite certain delays. In January 2025, the Authority for the Digitisation of Romania (the “ADR”) announced that it

had completed the integration of SEAP with the National Fiscal Agency, the National Council for Solving Complaints, the Ministry of Internal Affairs, the National Integrity Agency, the Commerce Register and the Ministry of Justice.

In the first quarter of 2025, other functionalities of SEAP have been scheduled to be implemented, including:

- electronic forms in the bid evaluation process within public procurement procedures;
- extending the functionalities of the dynamic public procurement system, through functions that allow the automatic evaluation of qualifications;
- the inclusion of the electronic catalogue; and
- electronic contracts, electronic invoicing, electronic payments and tools for contract management such as addenda, receipt minutes and payments.

We may therefore expect to see the first effects of a massive digitisation process, which are expected to facilitate the work of contracting authorities and lessen the burden on bidders on the one hand. On the other hand, the new SEAP functionalities are anticipated to significantly improve transparency and monitoring of the public procurement process.

Professionalisation of Public Procurement Personnel

While at the time of writing, the data on the status of implementing the PNRR milestones related to the professionalisation of public procurement personnel is still pending, we can say that the delay registered in 2023 has been recovered from.

Nevertheless, the effects of continuous training in the previous year are not expected to be visible soon, given the long delay in the implementation of measures related to public procurement personnel and the weak administrative capacity in general, at the level of the contracting authorities.

Implementing Measures to Ensure Adequate Minimum Wages in Public Procurement Contracts

With the passage of Law No 283/2024, Romania has implemented Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the EU. It has also implemented amendments to its public procurement legal framework.

The public procurement legal framework has been amended to include:

- new evaluation criteria that may indirectly require companies to have a collective labour agreement (CCM) and assess the potential impact on public procurement procedures; and
- a new circumstance in which contracting authorities may unilaterally terminate the public procurement contract during its validity period, namely when the contractor or its subcontractors no longer comply with the obligations under environment, social and work relations regulations.

Law No 283/2024 also regulates a new ground for exclusion from public procurement procedures. This is where an economic operator has been handed a sentence by a final criminal court in the last two years prior to the submission of the offer, for violating the legislation on the establishment and payment of minimum wages to its workers. As the new regulation is yet to be implemented it remains to be seen whether or not this legal provision is compliant with EU public procurement law.

PPP Projects

As anticipated in the [Romania Trends & Developments](https://drive.google.com/file/d/1fBs8i00JsHGkxWk5-qTfOxxJCHl9dW84/view?usp=sharing) (https://drive.google.com/file/d/1fBs8i00JsHGkxWk5-qTfOxxJCHl9dW84/view?usp=sharing) chapters of the 2024 edition of this guide, the interest in PPP projects has led to a revision of G.E.O. No 39/2018 on PPPs, to eliminate certain restrictions and encourage PPP projects.

The new amendments have notably eliminated the maximum threshold of 25% previously required for the contribution of the public partner for the financing of the project, thus leaving more flexibility in the set-up of PPP projects.

In December 2024, the Guidelines and Methodologies for implementing PPPs, developed based on international best practices on PPPs by means of a technical assistance programme (DG REFORM), provided by the European Commission, were also approved by the Romanian Ministry of Finance. These two pieces of regulation combined specify the full legal framework for setting up PPP projects in Romania.

Despite previous revivals of interest in PPPs having no significant impact, given that the administration appears to have developed a more comprehensive understanding of these projects, we may expect certain developments in 2025, at least on a market consultation level.

Access to Public Procurement Procedures

The rights of third country economic operators under EU public procurement law were settled by the Court of Justice of the European Union (the “Court of Justice”) in Case C 652/22 Kolin İnşaat Turizm Sanayi ve Ticaret AŞ (the “Kolin Ruling”) on 22 October 2024.

Following the Kolin Ruling it follows that, even though the Court of Justice seems to have interpreted the Utilities Directive as not imposing a [general] ban on the participation of third country bidders, such a ban may result, at least indirectly, from the Court’s shifting to an individual analysis by national contracting authorities on the right of third country economic operators to participate in individual public procurement procedures.

While national contracting entities seem to have the right to take their own decisions on whether to accept third country bidders or not and to what extent “less favourable conditions” or “participation without rights” will be applied, it is difficult to imagine how this approach can be implemented outside general national regulations and separated from the member state to which they belong and the EU public procurement legislation.

While certain third country bidders are excluded from public procurement and utilities procedures in Romania, the Kolin Ruling remains enforceable both from the standpoint of the compatibility of national legislation with EU law and from the scope of the exclusion. Romanian legislation therefore does not exclude all third country economic operators as per EU regulations. Instead, it applies a more limited definition, allowing equal access to those from third countries currently in the process of EU accession.

To date, neither the ANAP nor any contracting authorities have initiated discussions on the amendment or enforceability of the Romanian legal framework regarding this matter. A resolution may be anticipated in 2025 with the upcoming ruling in the CRRQ Qingdao Sifang Case 266/22. The ruling is expected to be delivered in March 2025.

Conclusion

Overall, in 2025, Romania’s public procurement landscape will likely be characterised by a blend of regulatory evolution, technological integration and GPP or sustainability initiatives.

While most of the major reforms in public procurement in 2024 advanced significantly, we can expect to see their total completion, as well as their practical effects this year. The ongoing accelerated pace of digitisation, compared to other strategic milestones like the professionalisation of public procurement personnel, may enhance the effective use of integrated data. This, in turn, could enable the necessary revisions of steps towards strategic procurement, including GPP and IPP.

The new SEAP functionalities aim to streamline procurement processes, easing the burden on bidders and contracting authorities. They will offer integrated data and full transparency from award notice to contract completion. These improvements are crucial in 2025 and beyond, given the anticipated acceleration of EU funds absorption, which will put significant pressure on the public procurement system in Romania.

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