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Public procurement distance: analysing European public procurement policy implementation in 27 EU member states

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DEPARTEMENT VAN MARINE.



BESTEK EN VOORWAARDEN,

waarnaar, onder nadere goedkeuring van Zijne Excellentie den Minister van Marine, in het gebouw van het Departement van Marine te 's Gravenhage, op den 1880,

bij inschrijving, in massa zal worden aanbesteed:

het uitvoeren van de hierna omschreven werken op AMELAND, als:

het maken van eene FUNDERING voor een ijzeren kustlichttoren; en

het bouwen van DRIE WONINGEN voor de dienst der verlichting;

alles met den aanleve van dien, zoo als nader in dit Bestek en de Voorwaarden is omschreven.



EERSTE AFDEELING.

MAKEN VAN EENE FUNDERING VOOR EEN IJZEREN KUSTLICHTTOREN.

ART. 1.

Plaats en peil.

De juiste plaats der fundering wordt bij den aanvang van het werk door de Directie bepaald. Zij zal komen in een duin, gelegen omstreeks Noordwest ten Noorden en op ongeveer 1800 Meter afstand van de kerk van *Hollum*.

Voor peil wordt aangenomen het bovenzvlak van een geplaatsten en gemerkten paal.

De eenheid der navolgende afmetingen is de Meter.

ART. 2.

Gelijkmaken van het terrein.

Het terrein van en om den toren wordt tot eene oppervlakte van ongeveer 140 M² gelijk geslecht, tot op de hoogte van het peil.

Chapter 7

CONCLUSIONS: PUBLIC PROCUREMENT DISTANCE EXPLAINED

7.1 Introduction

This chapter will answer the central research question: What can explain the distance between pre-established European public procurement policy and its implementation in the 27 EU member states? The results of the descriptive and quantitative analysis of European procurement policy as it is implemented in the workplace will be used to answer this question.

Together with Chapters 5 and 6, this chapter will form the answer to research question 3 on the factors that influence European public procurement policy (namely public procurement distance). This chapter will also provide the answer to research question 4 concerning what recommendations can be formulated to increase the effectiveness of European public procurement policy.

The first part of this chapter will answer the central research question, which will then be discussed against the literature background. The chapter will conclude with some policy recommendations and an agenda for future research.

7.2 Answering the central research question

The study identifies three relevant factors that influence procurement distance, namely intrinsic motivation, discretionary leeway, and actors.

It was expected that *intrinsic motivation to serve the public interest* would lead to less procurement distance. There is clear support for this expectation in terms of *mandatory* European procurement policy being implemented and the policy on encouraging cross-border awarding. However, for *discretionary* policies regarding the deployment of policy instruments (sustainability, social return, innovation, participation of SMEs in public contracts), the influence of intrinsic motivation to serve the public interest is negative. In terms of explaining this difference, mandatory public procurement policy must be implemented under the legal framework, which also applies regarding cross-border procurement, in which case the same regulations apply. The respondents are motivated to serve the public interest, although legislation provides an additional incentive in this regard.

For discretionary policy, public procurement staff indeed recognise the benefits of using discretionary policy instruments but are afraid of more complex tender procedures and increasing costs due to their deployment. As a result, the instruments are not used as much as they could be. Related aspects are playing an important role in cross-border awarding and the motivation to do so. If a higher-quality or more competitively priced supplier can be found abroad than nationally, this encourages selecting a foreign supplier. One striking point that emerges from the measurements is the sometimes poor command of the English language by respondents, which might also play a (partial) role in the motivation to favour a supplier from beyond one's own national borders. In summary, a lack of sufficient intrinsic motivation to implement European public procurement policy to serve the public interest partly explains why public procurement distance arises. A lack of legal obligation, need or usefulness, and insufficient language skills can also be influential.

Another explanatory factor contributing to procurement distance is the degree of policy discretion. From this perspective, *discretionary leeway* and *actors* have emerged as relevant influencers. In Chapter 3, policy discretion was defined as the leeway that the policy leaves to actors and specifically public procurement officers to – if desired – interpret and implement certain parts of the policy within a given regulatory framework while performing their activities. The measurements have shown that if there is leeway to manage tender procedures in terms of content, this leads to more public procurement distance within the mandatory policy, as well as a slightly better end result. On the other hand, limited discretionary leeway leads to a less favourable outcome for mandatory policy and slightly more deployment of policy instruments.

Some situations during the procurement process call for a pragmatic solution within the available *discretionary leeway* because the rules do not provide for it. For instance, the measurements show that the number of bidders affects the strictness with which the rules are applied. Public procurement officers tend to apply the rules more leniently when there is only one bidder and more rigidly when there are multiple bidders. If a bidder makes a minor mistake, a purchaser can decide at that point to have it rectified rather than exclude that market party from further participation. Acting pragmatically when an unforeseen situation arises ensures that the public procurement distance is limited because the procurement rules during the execution of the work are interpreted by public procurement staff in such a way that – in their view – they are more feasible as the sometimes unpredictable implementation practice requires creative solutions. Depending on the specific procurement situation, it leads to *ad-hoc pragmatic solution orientation*, reflecting a necessary form of local ingenuity and improvisation that occurs spontaneously and unprepared when European procurement policy subtly bends along with the

implementation at the ‘street level’ (Lipsky, 2010; Boskeljon-Horst et al., 2022: 3). Ad-hoc pragmatic solution orientation thus forms another part of the explanation of public procurement distance.

Actors reflect the second influencing factor that plays a role within the perspective of policy discretion in explaining public procurement distance. Actors are likely to regularly pursue the realisation of their own interests in procurement processes, whereby the emergence of project effects might be an indicator here. When these effects occur, the estimated project costs, lead times, planning, and project outcomes are deliberately over-optimistic. Size, scope and complexity also continuously increase (Lovallo & Kahneman, 2003: 3; Capka, 2004: 6; Cantarelli, et al., 2012: 55; Flyvbjerg, 2003; 2012; 2016). According to the respondents, these effects play a regular role in the procurement process and thus influence the outcome.

Thus far, the explanations of public procurement distance have mainly been based on the outcomes of regression analysis. On the other hand, the influence of actors is measured based on statements. These measurements indicate that certain actors can influence public procurement distance. This study particularly examined public procurement staff (procurement officers, lawyers, contract managers, procurement and legal advisers, and part-time procurement officers), one’s own organisation (contracting authority), politics (democratically elected public administrations at the central, regional, and local levels), market parties (commercial contractors who want to carry out public contracts) and media. The latter actor plays no significant role and will not be further discussed. Public procurement staff carry out the procurement process and thereby influence its progress. One’s own organisation is the actor that monitors the frameworks and distributes the tasks among the employees of the relevant contracting authority. Therefore, this authority influences decisions regarding the practical implementation of the procurement process.

Other indications from the statements are that the actor of politics has little visible direct influence on the implementation of European public procurement policy but might exert it indirectly behind the scenes, as the political arena in which policy frameworks for public procurement are determined. Later, politics influences the procurement process once again in the implementation. Indeed, when asked whether they considered political influence, 42% of the respondents responded positively. The influence of politics can lead to a positive procurement outcome but also to ‘favouritism’, a relationship between the winning supplier and politicians or direct awarding to the preferred supplier and even payment being made to certain stakeholders.

‘Market parties’ is the actor with the most direct relationship with public procurement staff *during* the procurement process, co-determining its success.

If market parties do not bid for a public contract, the procurement process fails. Moreover, if market parties disagree with the outcome of a procurement process, it can lead to complaints, legal proceedings and even retendering.

However, it has emerged from the descriptive analysis that the actors' interests can also conflict. Politics might have preference for a supplier other than the one emerging from a procurement process, while market parties might have difficulty with the award decision if a procurement officer chooses a supplier other than themselves. However, for public procurement officers, it generally holds that – above all – they want to successfully complete the procurement process with an end result that matches the set expectations. Based on the statements, the implementation of public procurement policy is marked by a tension of divergent interests that converge in the workplace. This means that based on the descriptive analysis, another part of the explanation of public procurement distance is formed by the actions of public procurement officers, one's own organisation, politics, and market parties.

In summary, insufficient intrinsic motivation to serve the public interest, inadequate ad-hoc pragmatic solution orientation and actors' influence on the procurement process are the explanations found for public procurement distance as it occurs within European public procurement policy, as summarised in Table 22 below:

TABLE 22

Explanations of public procurement distance

Theoretical perspective	Indicator	Explanation
Professionalism	1. Serving the public interest	1. Insufficient intrinsic motivation – No legal obligation – No procurement-specific need – Poor language skills
Policy discretion	2. Discretionary leeway	2. Inadequate ad-hoc pragmatic solution orientation
	3. Actors	3. Influence of environment – Public procurement officers – Own organisation – Politics – Market parties

7.3 From initial declarations towards full implementation

This section will discuss the central findings in light of what is known about public procurement distance based on the literature. The aim is to identify where the results of this study reinforce existing or provide new insights into the

implementation of European public procurement policy and what this might mean for other public policies. Attention is also paid to possible influencers of public procurement distance for which no effect has been measured.

European procurement policy is used to achieve various political, economic, and societal goals (Kahlenborn et al., 2011; Commission, 2011c; 2017a; Panagopoulos, 2016: 269). In addition to procuring works, services, or supplies, it covers a range of issues such as reducing unemployment, environmental measures, innovation, or encouraging SMEs' participation in public contracts. The multitude of policy objectives to be pursued makes European public procurement policy a complex matrix, whereby unsurprisingly there are problems in its implementation. Below the surface, various mechanisms appear to influence the transparency of its implementation. Here, a parallel with other policies becomes visible, such as in the implementation of certain European environmental guidelines in the Netherlands in the areas of water, birds, and habitat. Actors were not only focused on complying with the formal process but also realising a variety of other interests, which pushed the actual realisation of the environmental objectives to the background (Beunen et al., 2009: 66). This also comes to the fore in other literature. For Pressman and Wildavsky (1984), policy implementation can only be successful if the relevant actors play their part, since policy implementation is delayed and modified under their influence (Bardach, 1979; Pressman & Wildavsky, 1984; Carroll, 2014: 26). Local coalitions of advocates emerge that can shift the emphasis of policy – as steered from practice – away from its original intent (Mazmanian & Sabatier, 1989: 5; Sabatier et al., 1995: 234-235). Policy implementation is thus a continuation of the political game of give and take by actors seeking to promote their own interests (Bardach, 1979: 85; Pressman & Wildavsky, 1984: 175; Von Clausewitz, 1989: 87).

European public procurement policy is aimed at a procurement process without public procurement distance. Tender procedures have been included in the regulations to provide for every imaginable procurement situation. Shavell (2012: 3, 8-9) states that anticipating every conceivable situation in the regulations is not possible, which implies that – despite detailed regulations – there will always be some degree of difference between intention and implementation. There are also a number of basic principles that underlie the regulation of European public procurement policy.⁴³ These principles are also intended to ensure transparency in the public procurement procedure without any public procurement distance, which is

43 Such as non-discrimination, whereby the market for public contracts must be accessible to every supplier, and the contracting authority cannot impose requirements that exclude certain suppliers; equality, meaning that all (potential) suppliers competing for a public contract should be treated equally; transparency, so that business owners should be able to easily inform themselves about upcoming public contracts, and procurement processes must be unambiguous,

important because public procurement is very prone to corruption (Knight et al, 2007: 1; Nunes de Almeida, 2016: 4; Fazekas, 2017). In this detailed regulation of the process, European public procurement policy might differ from other public policies. Presumably, it is also the distinctions between mandatory, discretionary, and cross-border policies that make public procurement policy different from other European policies. Another notable point is that as soon as a discretionary instrument is used in a tender procedure or the procedure leads to cross-border procurement, the mandatory regulations apply from that moment onwards. However, until then, the deployment of discretionary policies is voluntary and mainly depends on the intrinsic motivation of the procurement officer concerned (Grandia, 2015: 138-139). Another difference compared with other policies is the short-cyclical nature of the public procurement policy implementation, whereby the term of an agreement is decisive here. In principle, the agreements between the market and the government established in the tender procedure also come to an end when the term lapses, likewise the execution of the policy. Moreover, every public contract is different in content, which leads to a distance between the use of discretionary instruments that are short-cyclical in nature and European public procurement policy that aims to achieve long-cyclical results.

Regarding the perspective of policy discretion, a well-known theme in the public administration literature is the adaptation of intended policies to align with daily practice, improving their feasibility as perceived by street-level staff (Lipsky, 2010; Boskeljon-Horst et al., 2022: 3). This study has shown that public procurement staff also do so in the form of ad-hoc pragmatic solution orientation. If a procurement professional suggests a pragmatic solution, it may or may not be accepted. Non-acceptance can lead to legal action with possible case law, which would have a direct effect on the implementation. Case law might also lead to codification in revised European public procurement directives. Decisions made by street-level bureaucrats thus become new policies for them to implement (Lipsky, 2010: xiii). The research results also show that individual public procurement officers are sometimes inclined to apply policy more flexibly when there is limited interest in a particular public contract. However, competition between interested market parties takes place in a market of supply and demand. By factoring in the number of bidders, procurement professionals are intervening in free market forces and thus influencing the way in which European public procurement policy is put into practice. In other words, the successful implementation of public procurement policy considerably depends on the actions of individuals. This can

visible and verifiable; and proportionality, reflecting that contracting authorities can only impose requirements and wishes that are reasonably proportionate to the public contract in question.

lead to public procurement distance, even to the extent that if an individual procurement professional has no intrinsic motivation to include discretionary policies in a tender, those policies will not or only partially be included in the procurement process, and thus not be implemented or only to a lesser degree. This makes the role of individual implementers very important in developing generically applicable public procurement policy, reflecting a significant issue for literature on the implementation of policy processes in procurement.

According to certain authors, intrinsic motivation to serve the public interest is grounded in the will to hold significance for the general interest more than reflecting economic significance for society (Perry & Wise, 1990; Freidson, 2004; March & Olsen, 2009). Grandia (2015) claims that especially an inherent belief in the benefits of sustainable procurement and affective involvement in this subject leads to more sustainable behaviour (Grandia, 2015: 138-139). The measurements in this study partly confirm this, finding that intrinsic motivation plays a role, although legal obligation and pressure from the environment can also play a role in implementing European public procurement policy. Public procurement officers might initially want to serve the public interest, although this might be somewhat adjusted under the influence of the stubborn reality, thus also reducing the willingness to exhibit sustainable procurement behaviour. This might create another form of distance, namely between intrinsic motivation and the reality of daily practice, potentially even leading to alienation from the work due to a feeling of losing control over it (Lipsky, 2010: 75-80). The lack of intrinsic motivation to implement discretionary policies as revealed in this study might indicate this to be the case. Moreover, 35% of the respondents claim that they have no choice other than to accept project effects, while the same percentage of respondents believe that public procurement rules are overly complex. These are some examples supporting the assumption that alienation can arise among public procurement staff.

Based on the literature, the expectation was that training would play a role in implementing public procurement policy (Freidson, 2004: 17, 84; Thai, 2001: 40-41; Callender & McGuire, 2007: 317-320). However, somewhat surprisingly, the degree of training did not emerge as a direct influencer of public procurement distance, and therefore as a direct influencer of how intended policy is implemented. Respondents found practical experience more important in comparison to training. Presumably, training is *indirectly* important for the implementation of public procurement policy, given that such policy is complex, and its implementation requires a significant degree of knowledge beforehand. This indicates that distinguishing between indirect and direct influence by contracting authorities is important for better understanding the potential role of training in implementing public procurement policies.

This study indicates that there is little difference in the implementation of public procurement policy across public administration tiers and sectors, both within and between member states. This suggests that member states must support cooperation; for example, to utilise the sustainability instrument more effectively. Sustainability measures are more effective across borders, reflecting a point made as early as 1991 by Liberatore (1991: 286). Indeed, it is striking that this remains under discussion 35 years later. The European Commission is currently considering incorporating certain aspects of its sustainability policy into a mandatory legal framework to address the ongoing issue of much talk and little action (Commission, 2019; Andhov & Muscaritoli, 2023: 21). Furthermore, this study reveals that public procurement staff have limited motivation to voluntarily prioritise sustainability in public contracts.

The effectiveness of this discretionary policy in the longer term is also in question given the short-cyclical nature of public contracts discussed earlier in this section. It might be more effective to adopt a generally applicable legal European framework while abandoning the deployment of the sustainability instrument in procurement procedures rather than relying on a voluntary moral appeal to encourage actors to utilise the instrument.

The literature identifies several reasons why certain implementation problems can persist, with governments' risk-avoiding, hierarchical, and predefined way of working often cited as a reason. An example here is the desire to spend taxpayers' money prudently because governments can be publicly held accountable (Wilson, 1989: 133; Schneider, 2001: 86). This is why authors such as Selznick (1984: 5) and Tallberg (2002) consider adequate administrative capacity as a prerequisite for an efficient and reliable government that fulfils its obligations. Therefore, as Arrowsmith (2015) suggests, it is relevant to question whether compliance with procurement rules is technically currently more important than creating value for end users. The procurement rules provide guidance for creating value for taxpayers' money, but they can also be used as an excuse since "it's in the rules" (Wilson, 1989: 127). The deployment of consultants is regarded as necessary to avoid regulatory errors (Ylönen & Kuusela, 2019: 254). However, the measurements conducted do not reveal that administrative capacity increases under the influence of consultants with the implementation of European public procurement policy without public procurement distance as a result. Lipsky (2010: 33) also believes that a major cause of difference between intention and implementation lies in a chronic lack of people and resources, although the role of capacity in public procurement distance has not been demonstrated in the present study. More capacity does not automatically lead to better implementation of intended procurement policy. This might be due to the spontaneous nature of ad-hoc pragmatic solution

orientation during the procurement process, which requires rapid improvisation rather than more people and resources. The fact that capacity might not always be directly influential in an unexpected situation is a striking issue in the analysis of policy processes. It also means that the role of consultants in the literature on public procurement policy implementation warrants more attention, including questioning the purpose of advisers and their actual contributions to the improved implementation of procurement policy.

The previously noted focus on the technically correct implementation of regulations rather than pragmatic implementation in practice currently dominates the debate on procurement issues. This has led to the increasing legalisation and intensive involvement of legal professionals in the public procurement process often being mentioned in the procurement literature as a result of this emphasis on technically correct execution (Telgen et al., 2007: 18-19; Treumer, 2014: 10; Hoezen & Volker, 2015: 3; Van der Horst & Schenk, 2016: 33). The European Commission's desire to broadly use its public procurement policy to realise numerous objectives in addition to the acquisition of goods, services, and works has led to a complex set of mandatory and discretionary rules in which more rules are added – through both case law and revision of the European public procurement directives – to fill gaps and with only limited positive impact (Commission, 1998; 2001: 12, 29; Arrowsmith, 2012; 2015; European Court of Auditors, 2015; Semple, 2016; Commission, 2017a: 6; Andhov et al., 2022: 11). One point that deserves attention in relation to this issue is that public procurement based on European guidelines is a relatively young but rapidly developing field. This might give rise to the impression that the many rules lead to the legalisation of procurement and an ensuing increase in the administrative burden, while it might be more about a development process towards procurement maturity (Telgen et al., 2007: 21-22; Jansen, 2018). The European Court of Auditors (2015: 22) also believes that this is the case and – in addition to complex regulations, procedures, and prescriptions – refers to the “lack of expertise” as a cause of errors in implementation. The degree of practical experience can play a role in how rules and regulations are implemented, as the Commission also observed in 2017 (a: 6). The findings of this study also point in this direction, whereby ad-hoc pragmatic solution orientation is a co-determinant in limiting public procurement distance. Implementing the intended policy is only finalised when laws and regulations are applied in practice (Lipsky, 2010: 213). This implies that the evaluation of public procurement policy must be about more than merely the technically correct rule execution, as what happens in the workplace during the implementation is also an inseparable part of policy evaluation processes.

This study has rendered indications that project effects are also a recurring element in procurement, just as in implementing other policies. Follow-up research is needed to capture the exact context and magnitude of project effects in European public procurement policy. However, Kelman (1990: 1, 3) observes that governments have a certain degree of fear of allowing their employees discretionary leeway and – as a result – tend towards more rather than fewer rules. He believes that deregulation can lead to greater discretionary leeway to get the most out of suppliers, although this might lead to an increase in project effects. Therefore, the question is whether more discretion is desirable. The outcomes of this study in this respect (section 7.2) illustrate the difficult position of public procurement staff: on the one hand, they are supposed to ensure the technically correct implementation of the rules to avoid public procurement distance, while on the other hand, the environment exerts a certain degree of influence on the procurement process to interpret procurement rules generously in favour of the desired end result. There may well be a structural degree of public procurement distance when policy is implemented, which is a point of attention for analysing public procurement policy and the literature on this subject.

This study also indicates that the actor of politics does not directly interfere with the procurement process but is interested in its outcomes. It is suspected that this actor mainly has an *indirect* influence on the procurement process and therefore the implementation of the intended procurement policy. Literature supports this view (Goldman et al., 2010; Chong et al. 2012; Van Silfhout & Van den Berg, 2014). The Commission also identifies politics as a significant influencing actor (2021a: 5). For the analysis of public procurement policy, the influence of politics is a subject to consider, as it can lead to a better understanding of how policy implementation proceeds. Market parties sometimes experience discretionary policies as difficult, time-consuming, and cost increasing, according to De Souza Dutra et al. (2017). This is a point of concern because this actor is the final link in implementing public procurement policies. If suppliers do not cooperate in its implementation, the policy of governments to use the instruments through procurement is unsuccessful. However, according to Bovis (1998: 224) and Hatzis (2009: 345), SMEs have less access to markets and public procurement than might be the case. Based on the observations of De Souza Dutra et al. (2017) and the present study, it appears that while SMEs have access to public contracts, they are sometimes reluctant to participate, which is a point worth considering in the procurement literature regarding SMEs.

The final outcome of this study to be discussed is somewhat striking and deals with the role of the working language in the implementation of European public procurement policy, as some respondents reported a poor command of the English

language. Sylvest et al. (2011: 11-13, 78-80) found that the degree of cross-border awarding is higher between countries that share a native language than between countries with different languages. Accordingly, the national language can play a determining role in a procurement process, reflecting a practical topic that also holds relevance for the literature on European public procurement policy.

7.4 Policy recommendations to bridge public procurement distance

This section will answer research question 4 concerning which recommendations can be formulated to increase the effectiveness of European public procurement policy.

No evidence has been found of a significant difference between member states in the implementation practice of European public procurement policy. In this light, distinguishing between European regions or countries does not result in better policy implementation. This implies that the successful translation of the intended public procurement policy into implementation probably has a greater chance of success if there is support among all member states. Therefore, a first policy recommendation is directed at the Commission, namely, to agree with all member states on the public procurement policy before turning it into directives.

Capacity and collaboration have not been found to have a direct impact on the implementation of mandatory public procurement policy. However, the respondents mentioned hiring external consultants who are deployed for each stage of the procurement process, indicating the generic deployment of specialists. In this case, it may well be possible that – part of the – procurement work could just as well be carried out by temping staff instead of expensive consultants to save public money. Therefore, the recommendation to contracting authorities and underlying European policy makers and those in member states is to inventory and optimise the deployment and actual costs of external consultants in public procurement wherever possible.

One potentially socially highly impactful policy instrument is ‘sustainability’. It was discussed earlier in this chapter that it becomes more effective when its deployment crosses borders (Liberatore, 1991). In other words, improving the deployment of the instrument requires collaboration between member states, likewise the major social importance of the subject. The European Commission is probably the only body that can successfully initiate such cross-member state collaboration. This is in line with the current debate in the European Commission on whether or not to require the inclusion of certain sustainability measures in tenders (Commission, 2019; Andhov & Muscaritoli, 2023: 21). An – albeit small – positive effect of little discretionary leeway in the regulations on the deployment

of the sustainability instrument was measured in this study, whereby increased regulation might indeed mean slightly better implementation of this instrument. Based on this, the recommendation to the Commission is to determine which sustainability measures can best be encapsulated in a generally applicable European legal framework to achieve maximum deployment effectiveness.

Encouraging participation in public contracts by SMEs is also a policy instrument that can be used by procurement officers (Commission, 2008a). However, earlier in this chapter it was established that SMEs are sometimes reluctant to participate in public contracts. Given that local governments know the local situation best, steering for more deployment of the instrument at the lowest possible administrative level might be better than steering by national or European governments. Therefore, the European Commission and national governments are advised to start discussions with local authorities with an interest in (local) SMEs participating in public contracts on how to make their access as easy as possible by eliminating administrative obstacles and helping SMEs with tenders, for example.

The social return instrument is more short cyclical in nature than sustainability, which has advantages and disadvantages. One advantage is that social return can be used easily and quickly to involve a specific group or individual at a distance from the labour market in executing a public contract. This can be affected immediately upon the start of the contract period. The short-cyclical nature is also a disadvantage, as the social return measure often stops being effective immediately after the contract term ends and the public contract has been fulfilled. For this reason, authors such as Wiesbrock (2016: 77, 95-96) advocate embedding social return measures in legislation. Given its strong social importance, she proposes the mandatory inclusion of this instrument in tenders. However, social return covers many topics, prompting the question of whether they should all end up in a legal framework. There is also overlap with other instruments, such as the deployment of SMEs. The interests of governments that want to help as many people as possible to find work and SMEs that are often small in size and cannot create many suitable jobs can diverge. Anchoring a longer contract period in law might provide more scope to utilise social return measures to a greater extent than is currently the case. Hence, the recommendation to the European Commission is not to make the deployment of this instrument mandatory in whole or part, but rather to take procurement policy measures that can increase its use.

The instrument of innovation can be applied when there is a government contract for an innovative product, service, or work. The procurement legislation provides sufficient tools to successfully engage in innovation-oriented procurement, although procurement staff may lack adequate knowledge and experience to actually use this instrument. National, regional, and local governments are

advised to provide more educational information on innovation-oriented procurement and guide procurement officers in this respect to achieve more successfully executed innovation-oriented public contracts.

Language choice is perhaps the most important procurement management tool to allow foreign candidates to make a bid. Not all respondents reported a good command of the English language. Assuming that English is indeed the most common working language in tender procedures aimed at attracting foreign suppliers, more attention in member states to language training for procurement officers is a policy recommendation to increase foreign participation in public contracts. This can enhance the use of the harmonised market between member states, thus also serving a European interest.

25% of the respondents state that they sometimes grant to a supplier from another member state. However, the Commission assumes that approximately 3.5% of cases are cross-border awarded contracts (Commission, 2017a: 4). It is possible that the Commission publishes only those figures that it considers important, as observed by Falkner et al. (2005: 19-20). The advice to the Commission is therefore to evaluate its method of data collection and publication for effectiveness. This might lead to better tools to understand the true nature of public procurement distance and allow more purposeful management of the implementation of the European procurement policy.

7.5 In conclusion: Agenda for future research

The central research question of what can explain the distance between the pre-established European procurement policy and its implementation in the 27 EU member states has been investigated for both mandatory and discretionary European public procurement policies. The theoretical principles are predominantly based on previous academic research in the field of procurement and policy implementation. No new explaining variables have been introduced for the implementation of European procurement policy, which reflects an interesting topic for further research.

The chosen research design makes this research broad in scope yet limited in the sense that only the possible *direct* influence of independent variables on public procurement distance has been analysed. Direct influence is probably only one of the many mechanisms that play a role within the complex interplay of forces in implementing European public procurement policy. However, what makes direct influence so important is that it fully touches on the final steps of policy implementation. These steps are crucial for the successful implementation of policy in the workplace (Lipsky, 2010: 213). Furthermore, there might be indirect and not

immediately visible mechanisms influencing public procurement policy that help to shape the final outcome. The research agenda below is presented along these lines.

Intrinsic motivation to serve the public interest has emerged as an important influencing factor in this study. In the literature studied, Perry and Wise (1990), Freidson (2004) and March and Olsen (2009) express a certain idealism when it comes to reasons why people want to work for the government. This study has also found a sense of realism regarding how policies are implemented in practice as an influencing factor. Since both potentially influence the implementation of European public procurement policy, it is worthwhile to explore in follow-up research which values influence public procurement policy implementation even more. This is related to whether the use of policy instruments increases if it is partially or entirely made mandatory, which also deserves further investigation. The results can be used by governments to implement their public procurement policy in a more targeted manner. A topic that is also related to the motivation to implement European public procurement policy is the possible alienation that can occur if procurement officers in the workplace gain the idea that they are so influenced by their environment that they lose control over their work (Lipsky, 2010: 75-80). Indeed, this is a possible new explanatory variable for which further research is important.

No direct influence on public procurement distance has been measured for training. However, it is quite conceivable that procurement education plays a mediating or moderating role in public procurement. Some authors are in favour of training to improve procurement (Thai, 2001: 40-41; Freidson, 2004: 17, 84; Callender & McGuire, 2007: 317-320), while others think more in the direction of acquiring strong experience in practice as a success factor (Snider & Rendon, 2012: 334; Abutabenjeh & Gordon, 2015). Further research is important to learn more about the role of training and practical experience in European public procurement policy.

The possible role of actors in the emergence of public procurement distance has now been investigated through statements and questions to respondents. This has indicated that these actors play both direct and indirect roles in procurement processes. Follow-up research into the influence of actors on the development of public procurement distance should seek to shed further light on their role in this.

The emergence of project effects in procurement seems to be a regular phenomenon. Its effects on the outcomes of procurement processes, the possible role of actors involved, the possible costs for the taxpayer each year, and the extent to which these effects arise can be further identified through follow-up research. This would help to increase our understanding of procurement processes and organise

them more efficiently, thereby possibly promoting transparency in public procurement and reducing the risk of project effects and corruption.

A direct effect on public procurement distance has not been measured for capacity in terms of available people and resources, although this was expected based on the literature reviewed (Selznick, 1984: 5; Tallberg, 2002; Ylönen & Kuusela, 2019: 254). The measurements show that external consultants are used throughout the procurement process, whereas the assumption was that they would be hired for a specific task such as drafting tender documents. This might point to an underlying management issue, namely how a contracting authority best organises itself to effectively implement public procurement policy. Indeed, this is a topic that requires further research. It might be that consultants are hired to limit the risk of errors in execution and awarding as this might have legal implications, reflecting another topic for further research. The outcomes can help contracting authorities to implement European public procurement policy without public procurement distance.

The first sentences of this thesis stated that for European procurement policy to be successful, it must be implemented to the letter, otherwise a discrepancy arises between the intended policy and its implementation. This has indeed proven to be correct, although an important outcome of this study is that the implementation of public procurement policy is mainly driven by the degree of intrinsic motivation to serve the public interest and an ad-hoc pragmatic solution orientation. This takes place in a complex force field of frequently conflicting interests in which the emphasis on technically correct implementation of procurement rules often takes precedence over the importance of an optimal end result. This calls for a shift from the current policy focus on technically correct implementation of public procurement policy to a focus on more pragmatic implementation. This study has led to an interesting research agenda that is expected to provide useful starting points for scientific follow-up research into the practice of European public procurement policies, which is necessary for public procurement to further develop from a predominantly technocratic process to a mature and balanced government function with widely supported implementation of both mandatory and discretionary policies. This research is thereby expected to provide a strong impetus for the realisation of well-balanced public procurement across Europe – without any public procurement distance.