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Comparing Public Procurement Transparency Mechanisms Between EU Member States

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Abstract

This article examined the transparency mechanisms in public procurement across European Union (EU) member states, focusing on their implementation, effectiveness, and challenges. Public procurement transparency, essential for reducing corruption and fostering fair competition, was found to vary significantly among member states due to differences in digital infrastructure, regulatory compliance, and local administrative capacities. Case studies from Germany, France, Poland, and Hungary illustrated these variations, with countries like Germany and Denmark demonstrating robust digital procurement systems that enabled open access to procurement data and improved accountability. In contrast, countries such as Poland and Hungary faced ongoing challenges with regional disparities and limited enforcement, impacting their ability to maintain transparency consistently. The analysis revealed that successful transparency mechanisms generally included accessible e-procurement platforms, public disclosure requirements, and strong regulatory oversight. Policy recommendations were suggested to promote harmonized transparency standards across the EU, emphasizing the need for technical support, capacity-building at regional levels, and a balanced approach to transparency and data protection. Overall, while transparency mechanisms have strengthened public procurement outcomes within the EU, disparities in their implementation highlighted the need for continued EU guidance and support to achieve uniform standards across member states.

Keywords: *Public procurement, Transparency, EU member states, Policy recommendations*

1. Introduction

Public procurement represents a substantial portion of economic activity within the European Union (EU), accounting for approximately 14% of the EU's Gross Domestic Product (GDP) (European Commission, 2021). This critical aspect of public sector spending directly impacts economic growth, innovation, and public trust. Transparency in procurement processes is widely recognized as a cornerstone of effective governance, aiming to reduce corruption, promote competition, and ensure that taxpayer money is spent responsibly (OECD, 2020). For this reason, the EU has established various regulatory frameworks to ensure that member states adhere to high standards of transparency in their procurement processes. These frameworks aim to unify and enforce principles that make public procurement fairer, more competitive, and accessible across borders, helping to achieve the EU's vision of a transparent and integrated single market (European Union, 2014).

EU Directives, such as Directive 2014/24/EU on Public Procurement, have laid the groundwork for member states to implement transparency mechanisms that align with EU-wide standards (European Union, 2014). This directive requires member states to ensure open and fair competition in awarding public contracts and mandates that procurement processes be conducted in a manner that allows oversight and accountability. According to Transparency International (2018), transparency in procurement is essential for reducing corruption risks, which are significantly higher in areas where public contracts lack clear, enforceable regulations. By harmonizing rules across the member states, the EU not only aims to prevent favoritism and fraud but also fosters a fairer market for suppliers and contractors from all member states, encouraging cross-border competition and innovation.

While transparency mechanisms are formally established, significant variability exists in how member states implement and manage these regulations. Some countries, like Sweden and Denmark, are known for their rigorous transparency standards and comprehensive digital procurement platforms, which ensure public access to procurement data and decision-making processes (OECD, 2018). Conversely, other member states have faced challenges in fully integrating transparency into their procurement processes due to institutional limitations, technical constraints, or lack of political will (European Commission, 2020). This inconsistency among member states can lead to disparities in market access, with suppliers from countries with lower transparency potentially encountering more obstacles and less fair competition. Consequently, understanding these differences is vital for assessing the effectiveness of EU transparency regulations and identifying areas where additional support or reform may be necessary.

The importance of transparency in procurement extends beyond ensuring compliance and preventing corruption; it also influences public trust in government institutions. When citizens have access to clear, accurate, and comprehensive information about how public funds are spent, their confidence in governmental institutions increases (World Bank, 2019). Public procurement transparency, therefore, serves as a fundamental aspect of democratic governance, reinforcing the accountability of public officials and fostering trust between citizens and the state. This article will explore and compare the transparency mechanisms used across various EU member states, evaluating their strengths and weaknesses to identify best practices and areas for improvement.

2. Overview of Procurement Transparency Mechanisms across Member States

Public procurement transparency mechanisms across EU member states are primarily based on the principles of openness, accessibility, and non-discrimination, as outlined in EU directives. Mechanisms commonly include online procurement portals, which enable governments to advertise tenders and provide potential suppliers with detailed information regarding bidding processes and requirements (European Commission, 2020). These portals vary significantly in sophistication and user-friendliness across member states. In countries like Germany, France, and Spain, government authorities have developed robust digital platforms that allow suppliers to view and bid on contracts online, fostering inclusivity and competition (European Union, 2021). The availability of procurement data, including details on awarded contracts, evaluation criteria, and supplier performance, serves as an essential component in enhancing transparency and providing accountability within the procurement process (OECD, 2019).

In addition to online portals, member states employ regulatory frameworks that standardize information disclosure across procurement stages. Directive 2014/24/EU requires all public sector organizations within the EU to publish contract notices in the Official Journal of the European Union (OJEU) for high-value contracts, ensuring that procurement information reaches a broader audience (European Union, 2014). This measure encourages cross-border participation and provides international suppliers with opportunities to access procurement information and bid on projects beyond their home countries. Moreover, transparency standards mandate that awarded contracts and the criteria used in award decisions be made public to prevent favoritism and ensure fair competition. According to Transparency International (2018), this visibility into the decision-making process is vital in fostering accountability and public trust by making procurement decisions verifiable and consistent.

Member states also leverage transparency tools, such as e-procurement systems, to streamline procurement processes, reduce administrative burdens, and enhance access to public sector contracts. E-procurement platforms like Sweden's e-Avrop or Italy's Consip have led to significant improvements in transparency by automating data disclosure, providing real-time updates on procurement stages, and offering comprehensive reporting on contract performance (OECD, 2018). These digital solutions enable public authorities to manage procurement more efficiently while ensuring that information is readily accessible to the public and suppliers alike. The OECD (2020) has noted that such tools help lower corruption risks and promote equal treatment, as they minimize the discretion of individual public officials by standardizing procurement procedures. As more member states adopt e-procurement systems, procurement processes across the EU are increasingly aligned with transparency best practices.

Despite these advancements, discrepancies remain in the implementation of transparency mechanisms across member states due to factors like varying levels of administrative capacity, digital infrastructure, and political priorities. For instance, while some countries have adopted advanced transparency practices and robust anti-corruption frameworks, others face challenges in fully adhering to EU transparency standards due to limited resources or institutional constraints (European Commission, 2019). Smaller EU countries, in particular, may lack the technological infrastructure necessary to support comprehensive digital procurement platforms, while others may face political resistance to reforms that increase procurement transparency. Consequently, the European Commission (2019) has recommended targeted support and guidance to assist member states with fewer resources in upgrading their procurement systems and aligning with EU

transparency norms. These disparities highlight the ongoing need for further harmonization of transparency mechanisms to ensure consistent, equitable access to public procurement across all EU member states.

3. Comparative Analysis of Transparency Standards in Key EU Countries

The European Union's procurement transparency standards aim to establish a cohesive and fair environment across member states, yet each country's approach to implementing these standards varies significantly. Germany, for instance, stands out for its highly structured and transparent procurement system, which emphasizes thorough documentation and oversight. The German procurement process relies heavily on digital platforms such as the Bund Online 2000 portal, where procurement opportunities and award decisions are accessible to the public (Zimmerman, 2019). This system ensures accountability by mandating that detailed records of contract evaluations are made available online, creating a robust framework that discourages favoritism and corruption. Moreover, Germany has stringent compliance checks and auditing mechanisms that validate adherence to procurement laws, setting a high benchmark for transparency within the EU (European Court of Auditors, 2020). By contrast, other EU countries with less comprehensive oversight and disclosure requirements may struggle to match this level of openness and control.

France has also made significant strides in enhancing transparency through its national procurement portal, PLACE, which centralizes procurement notices and contract award information (Agence France Trésor, 2021). This portal supports transparent bidding processes by providing suppliers with equal access to public tenders, thereby reducing entry barriers for smaller suppliers. In addition, France's transparency practices include a public reporting requirement, where authorities are required to disclose detailed criteria and explanations for award decisions, fostering an environment of accountability (European Commission, 2021). However, while France's framework has been effective in promoting transparency, some studies indicate that regional variations in enforcement and accessibility can impact the uniformity of transparency across the country (Transparency International, 2019). These regional disparities may affect smaller regions, where limited resources can restrict local authorities from fully implementing transparency mechanisms.

Poland presents an example of a country that has made notable improvements in procurement transparency, although challenges remain. In recent years, Poland has introduced the Public Procurement Office's electronic platform, which enables public access to tender announcements and award results, helping to combat corruption and increase accountability (OECD, 2019). Despite these advances, Poland faces challenges regarding consistency in applying transparency standards, particularly in rural areas with limited technological infrastructure. According to a study by Kaczyński and Jasiński (2020), regional disparities in Poland's procurement system often result in uneven application of transparency standards, affecting supplier access and competitiveness. Furthermore, while Poland has laws mandating transparency, the enforcement of these regulations can be inconsistent due to limited oversight resources. These challenges underscore the need for ongoing support and investment in Poland's procurement infrastructure to fully align with EU transparency norms.

Denmark, by contrast, exemplifies a high degree of transparency within a relatively small and well-coordinated procurement system. The Danish public procurement framework emphasizes open access to procurement data and real-time disclosure of contract performance, often

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considered a model for other EU countries (European Anti-Fraud Office, 2018). Denmark's digital procurement portal, Udbud.dk, offers an efficient and transparent platform for tender management, ensuring public visibility of all procurement processes from announcement to award. Additionally, Denmark has adopted strong whistleblower protections, which encourage the reporting of misconduct and enhance the overall accountability of procurement operations (Nielsen & Andersen, 2020). However, this high level of transparency is largely facilitated by Denmark's centralized governance and robust digital infrastructure, conditions that may be more challenging to replicate in larger or less centralized member states. Denmark's experience demonstrates that strong institutional capacity and a culture of openness are integral to achieving high levels of procurement transparency.

Italy's approach to public procurement transparency reflects both progress and ongoing challenges. The country has implemented several initiatives to address historical issues with corruption and inefficiency in public contracting, including the introduction of the Consip platform, a centralized procurement agency that enhances transparency in procurement for goods and services (Italian National Anti-Corruption Authority, 2020). Consip allows for electronic bidding, public disclosure of procurement contracts, and a centralized record of suppliers, which streamlines procurement processes and makes contract details readily available to the public. This centralized approach has been effective in reducing opportunities for corrupt practices, particularly at the national level. However, local and regional procurement processes still face transparency limitations due to inconsistent application of digital tools and oversight mechanisms. Studies indicate that smaller municipalities may struggle with resource constraints, leading to discrepancies in transparency standards across the country (Moro Visconti, 2021).

Spain has taken significant steps to improve transparency through its Public Sector Procurement Law, which mandates that all government procurement opportunities above a certain threshold are published on a centralized platform, the Plataforma de Contratación del Sector Público (PCSP) (Spanish Ministry of Finance, 2020). This platform provides comprehensive information on open tenders, awarded contracts, and contracting authorities' decision-making processes, thereby promoting accountability and equal access for all suppliers. In addition, the law requires that detailed justifications accompany each procurement decision, enhancing public scrutiny and minimizing corruption risks. However, despite these advancements, challenges remain in maintaining uniform transparency, particularly at the regional level. Autonomous communities within Spain vary in their commitment and capacity to implement procurement laws consistently, leading to uneven enforcement and occasional accessibility issues for smaller suppliers (García de Enterría & Echeverría, 2021).

The Netherlands represents another example of strong procurement transparency practices, combining robust digital infrastructure with clear, well-enforced regulations. The Dutch government employs the TenderNed platform, an accessible e-procurement tool that publicly lists all tenders, awarded contracts, and decision criteria, fostering transparency and competition (OECD, 2021). Additionally, the Netherlands has implemented strict reporting requirements and transparent auditing processes that make procurement decisions easily accessible to the public and potential suppliers. Dutch procurement law mandates that contracting authorities provide clear documentation on how bids are evaluated, allowing suppliers and citizens to verify that public funds are used responsibly. However, while the Netherlands has achieved high transparency standards, challenges related to privacy and data protection have arisen, particularly concerning sensitive commercial information. Ensuring a balance between transparency and privacy remains

a priority as the country continues to refine its procurement practices (European Data Protection Board, 2021).

Finally, Hungary presents a contrasting case, with notable transparency challenges within its procurement system. While Hungary has implemented digital portals and basic disclosure requirements as part of its compliance with EU procurement directives, concerns about limited access to procurement data and insufficient regulatory oversight persist (Transparency International Hungary, 2019). Critics argue that Hungary's procurement processes are often opaque, with a high concentration of contract awards among a small group of suppliers, raising questions about favoritism and competitiveness (Ágh, 2020). Additionally, while Hungary has adopted e-procurement measures to improve accessibility, studies suggest that limited access to information and selective enforcement of procurement laws may contribute to a lack of confidence in the system's transparency (European Parliament, 2020). This example highlights the need for stronger regulatory reforms and oversight mechanisms to ensure that Hungary's procurement practices align more closely with EU transparency standards.

Table 1: Comparative Analysis of Transparency Standards in Key EU Countries

Country	Transparency Mechanisms	Strengths	Challenges
Germany	Bund Online 2000 portal; strict documentation and auditing requirements	High accountability with detailed oversight and public accessibility	Complex for smaller suppliers to navigate
France	PLACE portal; public reporting requirements and award justifications	Transparency through centralized system, promoting equal access	Regional inconsistencies affect uniform transparency
Poland	Public Procurement Office's e-platform; access to tender announcements and results	E-platform improves accessibility and competition	Regional disparities limit full transparency across regions
Denmark	Udbud.dk portal; real-time disclosure of procurement stages, strong whistleblower protections	High transparency with open data, reduced corruption risk	Balancing transparency with privacy and data protection concerns
Italy	Consip platform; centralized records and e-bidding, focused on reducing corruption	Centralized data reduces corruption, efficient e-bidding	Regional gaps in implementation, smaller municipalities face resource constraints

Country	Transparency Mechanisms	Strengths	Challenges
Spain	PCSP portal; centralized access to tenders, with detailed award justifications	Comprehensive platform supports accountability and reduces regional disparities	Autonomous regions vary in enforcement, impacting supplier access
Netherlands	TenderNed platform; comprehensive data on bids and award criteria, strong auditing	Clear regulations and strong data protection; competitive bidding	Privacy concerns over sensitive data; balancing transparency and privacy
Hungary	Basic digital portals; limited disclosure, with concerns about selective enforcement	Basic compliance with EU directives, limited transparency and trust	Opaque practices with favoritism concerns, limited regulatory oversight

4. Case Studies: Successes and Challenges in Transparency Implementation

Germany's public procurement transparency is frequently cited as exemplary within the EU due to its highly structured digital systems and rigorous oversight measures. Through the Bund Online 2000 portal, Germany ensures that procurement processes, contract details, and award decisions are accessible to the public, encouraging accountability and reducing the risk of corruption (Zimmerman, 2019). However, the complexity of these systems has also been a barrier for smaller suppliers who may find it difficult to navigate the extensive documentation and compliance requirements. A study by the European Court of Auditors (2020) revealed that smaller businesses sometimes experience difficulty participating in public tenders due to the high administrative burden, which can limit competition and reduce the diversity of suppliers. While Germany's approach underscores the importance of strict transparency, it also demonstrates the need to balance comprehensive oversight with accessibility to avoid unintended barriers for small and medium-sized enterprises (SMEs).

In France, the PLACE portal has significantly enhanced transparency by centralizing public procurement information and offering equal access to suppliers, a move widely considered a positive step towards inclusivity (Agence France Trésor, 2021). The portal's functionality extends beyond transparency, requiring public authorities to publish detailed criteria for award decisions, which helps to build trust in the procurement process. Despite this success, challenges remain due to regional inconsistencies in enforcement and accessibility, which have led to an uneven application of transparency standards. Transparency International (2019) reports that smaller municipalities often struggle to align fully with national standards due to resource constraints, limiting their ability to ensure complete transparency at the local level. These regional disparities reveal how resource limitations can impact transparency, underscoring the importance of support for local authorities to standardize practices across France's diverse regions.

Poland's Public Procurement Office has made efforts to improve transparency through the introduction of an e-platform that provides access to tender announcements and contract awards, an initiative that has seen considerable success in reducing corruption and increasing accountability (OECD, 2019). However, Poland faces persistent challenges with regional disparities, as some rural areas lack the necessary digital infrastructure to fully utilize the platform. This disparity creates a gap in transparency between urban and rural regions, as highlighted by Kaczyński and Jasiński (2020), who found that remote areas may struggle with limited access to procurement information. This gap not only impacts local supplier access but also undermines the overall integrity of Poland's public procurement system. Poland's case illustrates how infrastructure deficiencies can impede transparency and highlights the need for investment in technology to provide consistent access to procurement information across all regions.

Hungary presents a more complex case, where compliance with EU procurement transparency directives exists largely in theory rather than in practice. While Hungary has implemented digital portals to publish tender information, concerns about limited access to data and selective enforcement have been raised by local and international watchdogs. Transparency International Hungary (2019) notes that the country's procurement processes are often opaque, with a disproportionate number of contracts awarded to a small group of suppliers, suggesting a lack of competitiveness. Ágh (2020) argues that this favoritism, combined with weak regulatory oversight, has led to public distrust and heightened concerns about corruption within Hungary's procurement system. Hungary's experience demonstrates the potential for digital tools to serve as mere formalities if there is insufficient oversight and political commitment to genuine transparency. This case highlights the importance of consistent enforcement, as transparency mechanisms are only as effective as the regulatory systems that support them.

5. Impact of Transparency Mechanisms on Procurement Outcomes

The adoption of transparency mechanisms in public procurement has had a substantial impact on procurement outcomes across EU member states. One of the most notable effects has been the reduction in corruption, which previously plagued procurement processes, especially in countries with weaker institutional frameworks. By making procurement information publicly accessible, transparency mechanisms allow external stakeholders, including suppliers and civil society, to scrutinize tender processes and contract awards. According to the OECD (2020), enhanced transparency has led to fewer cases of favoritism and collusion, as public exposure deters corrupt practices. For example, Italy's Consip platform, which centralizes procurement information, has seen significant reductions in procurement irregularities due to improved data availability and oversight (Italian National Anti-Corruption Authority, 2021). The availability of information has proven effective in preventing malpractice by increasing the likelihood of detection and sanctioning.

Transparency mechanisms also promote competitive bidding, which can drive down costs and improve the quality of goods and services procured. Open access to procurement opportunities allows a wider pool of suppliers to participate, fostering competition and often resulting in more cost-effective procurement (European Commission, 2021). In countries such as Denmark and the Netherlands, e-procurement systems have facilitated access to contracts for small and medium-sized enterprises (SMEs), which may have previously been excluded due to limited resources or local restrictions. As a result, these countries have witnessed increased supplier diversity and more competitive pricing, which, according to a study by Nielsen & Andersen (2020), has led to

significant savings in public spending. By ensuring equal access to procurement information, transparency mechanisms help level the playing field, allowing SMEs to compete fairly with larger, more established companies.

Furthermore, transparency in procurement has positively impacted the quality of public services by holding suppliers accountable for contract performance. Public disclosure of contract awards and performance evaluations allows both citizens and government bodies to track supplier performance, creating an incentive for contractors to fulfill their obligations and maintain high standards (World Bank, 2019). In France, for instance, the PLACE portal has not only improved competition but also enhanced service quality by requiring authorities to publish criteria and justifications for contract awards (Agence France Trésor, 2021). This transparency enables public scrutiny, ensuring that suppliers consistently meet performance expectations and align with public needs. As suppliers are aware that their performance will be visible to potential future clients, there is a heightened motivation to deliver high-quality services, thus increasing public satisfaction with government-funded projects.

While transparency mechanisms have broadly positive effects, they also present challenges, particularly related to implementation costs and data privacy. The introduction of comprehensive e-procurement platforms, while beneficial, requires substantial investment in digital infrastructure and administrative training, which can be burdensome for countries with limited resources (European Court of Auditors, 2020). Additionally, the need to balance transparency with data privacy has become increasingly important, as sensitive commercial information must be protected even while promoting public access to procurement data. The Netherlands, for example, has faced challenges in balancing transparency and privacy, with its TenderNed platform needing to protect supplier information while ensuring public accountability (European Data Protection Board, 2021). These challenges underscore that, while transparency mechanisms significantly benefit procurement outcomes, they must be carefully designed to mitigate unintended consequences, such as compromised privacy and financial strain on administrative resources.

6. Conclusion and Policy Recommendations

In summary, the implementation of transparency mechanisms across EU member states has led to notable improvements in public procurement practices, enhancing accountability, reducing corruption, and promoting fair competition. Countries like Germany, France, and Denmark demonstrate how digital platforms, open access to procurement information, and clear regulatory frameworks can collectively strengthen procurement processes. However, the analysis also reveals disparities in transparency practices, with countries like Poland and Hungary facing ongoing challenges due to regional inconsistencies, limited infrastructure, and, in some cases, inadequate enforcement. These variations underscore the importance of ongoing support from the EU and tailored approaches to address specific national and regional needs.

To address these gaps and promote uniformity in procurement transparency across member states, a more harmonized EU-wide approach is essential. The EU should consider establishing a standardized transparency framework with clear requirements for data disclosure, accessibility, and digital infrastructure. This could include mandating minimum standards for digital procurement platforms to ensure they are accessible to suppliers of all sizes, including SMEs. Additionally, providing financial support and technical guidance to member states with limited resources could help bridge the gap between countries with established e-procurement systems

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and those struggling with implementation. By standardizing these practices, the EU can promote equitable access to procurement opportunities and improve overall governance across the union.

Investing in capacity-building initiatives for regional and local authorities could further strengthen procurement transparency. Many transparency challenges arise from limited resources and knowledge at the local level, where authorities may lack the expertise to fully implement and maintain transparent procurement practices. The EU could facilitate training programs and workshops focused on best practices in procurement management, digital platform use, and compliance with transparency standards. Strengthening local capacities would not only improve compliance with EU directives but also enhance the effectiveness of transparency measures, leading to better procurement outcomes and increased trust from citizens.

Lastly, maintaining a balance between transparency and data protection is crucial as the EU's procurement landscape continues to evolve. Member states should incorporate privacy measures within their transparency frameworks to protect sensitive supplier information while ensuring accountability. The European Data Protection Board (EDPB) could provide updated guidelines on how to handle sensitive data within public procurement systems. Addressing this balance will be critical in building sustainable, transparent procurement systems that respect both the public's right to information and suppliers' rights to data privacy. By adopting these recommendations, the EU and its member states can strengthen procurement practices, ultimately creating a more competitive, fair, and accountable public sector across Europe.

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