Legal 500
Country Comparative Guides
Legal Landscape | Public Procurement

France- Public Procurement

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(i) What is the current legal landscape for Public Procurement in your jurisdiction?

An (almost) unified law – Largely based on European directives and the case law of the Court of Justice of the European Union, French public procurement law is now unified within the French Public Procurement Code, which, since 2019, has consolidated the various regimes previously applicable to public contracts, depending on whether they were concluded by legal entities governed by public or private law.

The French Public Procurement Code is also the reference text for the award and performance of concession contracts, only a few rules of which remain governed by the "Code général des collectivités territoriales" (General Code for Local Authorities).

Alongside this fundamental text, public procurement law remains influenced by various other areas of legislation, ranging from competition law to criminal law, environmental law and energy law, making it a rich but complex field of expertise.

A changing law – The legal framework for public procurement is constantly evolving in line with the economic, environmental and societal policies adopted by the public authorities.

Recent years have been characterised in particular by the "greening" of public procurement, marked by the removal of price as the sole criterion, the integration of environmental and social requirements, and the development of global energy performance markets, reflecting the use of public procurement as a lever for ecological transition policies. This trend is part of the European movement towards energy efficiency, as illustrated in particular by the entry into force of the Net-Zero Industry Act (NZIA) (2024/1735/EU).

There is also growing concern about sovereignty issues. Firstly, European sovereignty, with several European instruments impacting public procurement law, known as the "defensive trade policy", such as the International Procurement Instrument and the Foreign Subsidies Regulation (FSR), distorting the internal market, and the concept of European preference set to permeate several aspects of the regulations. Secondly, national sovereignty, particularly in the area of defence.

(ii) What are three essential pieces of advice you would give to clients involved in your Public Procurement matters?

For private operators seeking to enter into public contracts, there are at least three sets of recommendations.

First, surround yourself with experts to ensure security. Public procurement law is a "technical", cross-cutting area of law in which administrative and UE case law play an important role.

It is also a practice associated with specific litigation procedures, some of which must be implemented within very tight deadlines.

Given this particular legal ecosystem and the criminal risks associated with any public procurement project, our first piece of advice would be to rely on experts, particularly legal experts, to ensure its long-term success and feasibility.

Next, anticipate the contract execution phase. Often focused on the critical contract award phase, clients must also pay attention to anticipating execution.

Contract amendments, penalties, deadlines and unforeseen circumstances during execution are all potential sources of significant disputes and, as far as possible in view of the procedure implemented, must be addressed as soon as the contract is concluded in order to limit the risk of conflict.

This advice applies equally to contracting authorities-economic operator relationships and to relationships between economic operators when they coordinate their actions for the purposes of a project, whether through joint contracting or subcontracting.

Finally, implement scrupulous monitoring of the contract and keep a record of the project. Public projects are often long-term, and the multitude of rules that apply to them (special and general terms and conditions, accounting rules, etc.) make it essential to implement a genuine contractual monitoring tool to ensure the correct and timely implementation of all the procedural rules that accompany any public procurement contract.

Added to this is the need to keep track of projects, from the award phase to their execution and financial settlement. We regularly observe difficulties in our clients' files related to a loss of project memory, which hinders the achievement of the objective pursued, whether it be a contract renegotiation, pre-litigation discussions, or even litigation.

(iii) What are the greatest threats and opportunities in Public Procurement law in the next 12 months?

It would be tempting to answer this question by referring to the three strategic priorities identified by the French Ministry of Economy and Finance at the first Annual State Procurement Meetings held on 15 December 2025, namely simplifying procedures, achieving savings and strengthening national sovereignty.

Beyond these three areas, around which changes will inevitably occur, we identify other particularly salient issues for the coming year.

Favouritism and criminal risks – Criminal law is playing an increasingly important role in public procurement. The legislator is constantly reforming the law on probity (reform of illegal conflict of interest "prise illégale d'intérêt" in December 2025 – Article 432-12 of the Criminal Code), which must be understood and even anticipated.

The two successive reports published in March and May 2025 on the redefinition of criminal offences in public procurement (in particular the offence of favouritism provided for in Article 432-14 of the Criminal Code) necessarily lead public procurement practitioners to anticipate the entry into force of new legislation in the coming months. It is hoped that the upcoming reforms will enable those involved in the

sector to better understand the scope of public procurement offences so that, while ensuring the necessary integrity of public procurement, they do not hinder public-private action.

Greening and European preference – Energy transition and local preference are undoubtedly also among the major developments to come in the next twelve months, with, first and foremost, the entry into force by 21 August 2026 at the latest of two obligations arising from the Climate and Resilience Law . The first now requires public contracts to be awarded on the basis of criteria that include at least one criterion taking into account the environmental characteristics of the bids, whereas previously this was only an option for purchasers. The second requirement stipulates that operators must either define technical specifications or incorporate performance conditions that take into account the environmental characteristics of the subject matter of the contract and its implementation terms.

The NZIA Act stipulates in particular that, under certain conditions, when public contracts concern “zero-net" technologies or services involving such technologies, purchasers must include minimum requirements regarding the environmental sustainability of these technologies (Article 25§1 to 6).

It also introduces a so-called “resilience" obligation, which, in summary, means that when public contracts relate to “zero-net technologies" or involve services that include such technologies, and the share of the Union's supply of these technologies or components from third countries exceeds certain thresholds, purchasers must include clauses in their contracts aimed at limiting dependence on that third country (Article 25§7).

These new rules, which will first be applied in 2026, are clearly an opportunity for public procurement to once again be a driver of economic growth. However, they will only be fully effective if they are properly understood by all stakeholders, which requires education and forward planning for their implementation.

Economic uncertainty – Public procurement law was originally designed for a stable economy, based on financial mechanisms that allowed public purchasers to anticipate their expenditure and economic operators to secure their business.

In the current context, the contractual framework for public procurement must be adapted to cope with price volatility in a context of instability at European and global level and a trend towards budgetary contraction by public purchasers, coupled with an increase in financing costs for private actors.

To address this situation, public procurement stakeholders must innovate and incorporate contractual mechanisms into their contracts that allow for the necessary adaptation of projects to economic realities, especially in the case of long-term contracts involving significant investments.

The ability to innovate within the constraints of public contracts is undoubtedly more than ever one of the keys to the success of public-private projects.

(iv) How do you ensure high client satisfaction levels are maintained by your practice?

A 360- degree advisory approach – Our practice is characterised by the fact that, beyond the core area of public procurement law, we must anticipate the various issues that our clients' projects may face, both in the design and implementation phases.

We therefore take a gradual approach to understanding our clients' needs: we first focus our analysis on issues directly related to public procurement and, through discussions and our understanding of the economic sector in which they operate, we alert them to other legal aspects that need to be secured in their projects and, where appropriate, suggest calling on the firm's solicitors to ensure our clients receive the best possible advice.

This "360° advice" also tends to systematically integrate the potential litigation dimension of a case, even when we are involved in an advisory capacity.

High standards at every stage of our services – we offer our clients the assurance of high-quality service at every stage of our advisory work. Every note or brief prepared for our clients is the result of a collective effort by the team's solicitors to ensure that the advice given is comprehensive and relevant.

Our projects are also often sent to our clients for their opinion in order to initiate a phase of discussion before the final delivery.

Key players in the legal landscape of public procurement – Maintaining a high level of expertise requires continuous legal monitoring, but also the ability to anticipate regulatory and jurisprudential trends and, more generally, economic developments. To this end, the team's solicitors regularly participate in conferences and training courses involving public sector players and economic operators. They are also members of professional legal networks in France and internationally.

Regular exchanges with all players in the public procurement sector thus feed into a rigorous approach to legal advice, focused on the operational success of our clients' projects.

(v) What technological advancements are reshaping your practice area and how can clients benefit from them?

Dematerialisation of public procurement contracts – The dematerialisation of public procurement procedures is now a cornerstone of public purchasing. The procedure is now largely digital, both at national and European level, making it easy to access buyer profiles, consult tender documents and submit bids or applications electronically. This digitisation has profoundly transformed practices, enhancing the traceability of exchanges, the transparency of procedures and equal access to public procurement, while shifting part of the legal risk towards the control of digital tools and electronic deadlines.

Development of AI – Naturally, as in all other legal fields, the development of artificial intelligence will lead to a revolution in practices. Increasingly integrated into legal databases and specialised platforms, its use saves time and increases information processing capacity in a dense and evolving regulatory environment. This development is not a substitute for legal analysis or contextual risk assessment, and its use must remain regulated to ensure the reliability of reasoning and the legal certainty of public procurement, but it holds great promise by allowing all stakeholders to focus on true added value.

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