

Act on Accelerated Planning and Procurement for the Bundeswehr

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At the NATO summit in June 2025, a substantial increase in national defence expenditure - to a total of 5 percent of GDP - was agreed in response to the deteriorating security situation. To ensure that the resulting capability gains for the Bundeswehr are not delayed by complex procurement and lengthy approval procedures, the German government has initiated a comprehensive reform of procurement law in the defence sector with the "Act on Accelerated Planning and Procurement for the Bundeswehr" (*Gesetz zur beschleunigten Planung und Beschaffung für die Bundeswehr*), which was adopted by the Parliament of the Federal Republic of Germany (*Bundestag*) on 15 January 2026. The Act is expected to enter into force in February, or at the latest, March 2026. The aim of this legislative amendment is to significantly simplify and accelerate procedures, without neglecting the protection of classified information in military activities and installations.

KEY PROVISIONS AND MAIN AMENDMENTS

The reform specifically amends the following laws; the changes relate not only to the defence sector but also partially to the postal sector:

- The Bundeswehr Procurement Acceleration Act (*Bundeswehrbeschaffungsbeschleunigungsgesetz* - **BwBBG**) is being comprehensively reformed.
- The Aviation Act (*Luftverkehrsgesetz* - **LuftVG**) is being amended, particularly with regard to approval procedures for military airfields and the protection of military air defence radars.
- The Act Against Restraints of Competition (*Gesetz gegen Wettbewerbsbeschränkungen* - **GWB**) is being adapted in relation to sectoral contracting authorities to cover postal services, and revised to implement relevant EU requirements - especially in connection with Regulation (EU) 2022/2560 on foreign subsidies.

- The Sector Ordinance (*Sektorenverordnung* - **SektVO**) is being extended to public contracts in the postal services sector.

With regard to procurement law, the following amendments to the BwBBG are particularly noteworthy:

Scope

The Act creates a temporary special framework for all procurements serving to meet the needs of the Bundeswehr. Alongside a comprehensive expansion of the scope for defence- and security-specific procurements, public contracts outside this area may now also be awarded if they are essential for fulfilling Bundeswehr needs (e.g. medical supplies, medical devices, or pharmaceuticals). The Act also covers joint procurements with or for other EU/EEA states and support services for their armed forces. Notably, the provisions of Sections 6 to 8 BwBBG explicitly apply to contracts below the EU thresholds; these thresholds were adjusted as of 1 January 2026 and are EUR 216,000 for supplies and services (EUR 140,000 for awards by higher federal authorities), and EUR 5,404,000 for construction works.

Procurement Law Exemptions and Simplifications

The primary aim of the legislative amendment is to accelerate and reduce the bureaucracy of procurement procedures. The following new regulations have been adopted:

- Firstly, the scope of the negotiated procedure without a call for competition (*Verhandlungsverfahren ohne Teilnahmewettbewerb*) is being expanded. This procedure allows contracting authorities to request and award offers from one or more companies informally and without observing specific deadlines. In future, direct awards via the negotiated procedure without a call for competition will, for example, be possible for interim awards in cases of urgency - where there is no time for a competitive procurement procedure - so as to ensure short-term service provision until a regular procurement process can be carried out.
- The possibility of granting advance payments (*Vorleistungen*) - i.e., payments by the contracting authority before receipt of the counter-performance - is being made easier. While such advance payments are generally only permitted in cases of general commercial practice or special circumstances, this rule is being expanded for Bundeswehr procurement: within the scope of the BwBBG, advance payments may in future be granted in particular if this is expected to increase participation by applicants and bidders. The aim is to motivate especially SMEs, start-ups and innovative companies to participate and to strengthen competition.
- The obligation to award contracts in lots (*Lose*), as provided for in the GWB, is being temporarily suspended to allow for overall awards. In addition, contracting authorities will be able to request missing documents - except for performance-related documents relevant to the economic evaluation - at a later stage.

- Unlawful direct awards of a contract - such as entering into a contract with a company without prior publication of the contract notice in the supplement to the Official Journal of the European Union - will, in the event of a review by the relevant review body, no longer necessarily result in the contract being declared void. Instead, the public contracting authority may apply in the review procedure for this legal consequence to be waived if overriding defence interests prevail; in such cases, the procurement chamber or senate may impose alternative sanctions such as contract shortening or fines.

Regulations on Offers from Third Countries

A particular focus is on strengthening European and national sovereignty. Contracting authorities will in future be able to (i) exclude bidders from third countries from procurement procedures, (ii) limit the proportion of goods and services from third countries, and (iii) restrict the use of subcontractors based in third countries - especially where European technological sovereignty or the safeguarding of production capacities appears to be at risk. In addition, the federal government is obliged to present guidelines for offset transactions in defence procurement outside the scope of EU procurement law by the end of September 2026.

These restrictions do not apply to companies based in a state that is a member of the European Economic Area, or to companies from third countries that are signatories to the WTO Agreement on Government Procurement or other international agreements binding on the European Union, provided the contract in question falls within the scope of the relevant agreement. This exemption also extends to goods and services originating from such countries.

Joint European Procurement

The Act expressly promotes joint European procurement. It establishes clear rules for the use and establishment of central - also international - procurement bodies.

Accelerated Review Procedures

Review procedures will be significantly expedited in the interest of defence and security concerns. Notably, (i) in future, only the Federal Public Procurement Chambers (*Vergabekammer des Bundes*) will have jurisdiction for procurement procedures within the scope of the BwBBG, and (ii) immediate appeals will no longer have suspensive effect if the applicant is unsuccessful at first instance.

Strengthening Innovative Procurement

Innovation partnerships and functional performance specifications are expressly permitted and promoted. In addition, it is envisaged that civilian markets should also be taken into account during market research.

Duration and Expiry

The reformed BwBBG is limited in duration until 31 December 2035. The temporary suspension of the obligation to award contracts in lots, however, only applies until the end of 2030.

PRACTICAL CHALLENGES AND IMPLICATIONS

For companies

The new regulations create new opportunities, especially for SMEs and innovative providers, but also impose increased requirements regarding security of supply. The temporary suspension of the lot allocation principle could make direct participation by smaller companies more difficult, but at the same time offers opportunities for cooperation and subcontracting. The planned restrictions on primary legal protection in procurement law, some of which are already known from the Act to Accelerate the Use of Liquefied Natural Gas (*Gesetz zur Beschleunigung des Einsatzes verflüssigten Erdgases - LNGG*), are likely to have adverse effects for companies, not only in isolated cases.

For procurement bodies

The intended simplifications should be consistently utilised to make procurement processes more efficient. At the same time, the effects on competition, SMEs and innovation should be carefully monitored.

CONCLUSION

The Act on Accelerated Planning and Procurement for the Bundeswehr creates a temporary, innovation-friendly and strategically sovereignty-oriented special framework for meeting the needs of the Bundeswehr. It aims to accelerate procurement procedures, strengthen European and national sovereignty, and specifically promote innovation. Whether the comprehensive reform will actually achieve the intended acceleration and reduction in bureaucracy remains to be seen.



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