



Industry insights

Bookshops and book procurement

RISE
BOOKSELLING

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The voice of booksellers

What is Industry insights?

RISE Industry Insights is a series of research papers that investigate priority topics for the bookselling sector. They give insights into key issues, policy reforms and external initiatives that affect the bookselling sector. In addition, they provide network members with tools to engage with relevant political stakeholders, culture sector professionals and private sector representatives to ensure that their priorities are adequately upheld and supported.

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About RISE Bookselling

Resilience, Innovation and Sustainability for the Enhancement of Bookselling' (RISE Bookselling), is a three-year EU co-funded programme run by the European and International Booksellers Federation (EIBF) for its network members, aimed at upscaling, reinforcing and maximising the capacity and resilience of the European bookselling sector.

About EIBF

The European and International Booksellers Federation (EIBF) is a non-commercial European and international umbrella organisation representing national booksellers associations and booksellers across Europe and worldwide. Our mission is to represent our members and their interests on a global platform, as well as to provide a forum for cooperation and foster the exchange of best practices.

About Creative Europe

Creative Europe is an EU programme that supports a wide range of cultural and creative sectors, encouraging cooperation and exchanges among cultural organisations and artists within Europe and beyond.

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Introduction

Booksellers are best known for recommending books and selling them to customers in bookshops. However, there are more sides to a bookshop's business that are lesser known to the general public. For instance, the relationship between bookshops and schools, as well as bookshops and libraries, is a crucial one, as the supply of books to schools and public libraries is, and always has been, a big part of a bookshop's business model, providing a secure and important source of income and guaranteeing a balance within the book value chain.

In order to supply books to public libraries and schools in their local and regional areas, bookshops have traditionally agreed on book orders with said schools and libraries privately and on an individual basis. However, more and more often, instead of being sourced locally, book purchases are becoming increasingly larger in volume and, as result, they have to be sourced through public procurement 'calls for tenders', a procedure which ensures that all relevant providers can compete fairly to be awarded a contract to supply the necessary books.

These calls are often prepared by local or regional public authorities, on behalf of their local libraries and schools, and advertised nationally or even across Europe on specific procurement websites depending on their size and on a set of criteria. Providers that fulfil the required criteria are then invited to make an offer and compete to be awarded with the contract to supply the necessary books to schools and/or libraries. As we will see further below, what might seem like an open and fair procedure that allows for a wide range of businesses to participate and compete, often does not prove to be the case, leading to the exclusion of small and local bookshops from the process.

In recent years, there has been growing concern among the European bookselling sector, including the RISE Network members, over the declining opportunities for smaller bookshops to be involved in the supply of books to libraries and schools through public procurement processes, particularly their lack of equal chances to compete in and win calls for tenders. For instance, in countries like Spain¹ and Sweden² smaller bookshops are finding it increasingly hard to take part in the procurement process. Meanwhile, in countries like the Netherlands and Luxembourg, bookshops have been removed altogether from the process of supplying books to schools and libraries, being replaced instead by specialised companies³.

In order to understand this phenomenon, this RISE Industry insights paper will delve into the complex topic of book procurement by taking a look at how the process works in three European countries that will serve as case studies: **Ireland, Finland** and **Germany**. In doing so, we will look into the European and respective national legislation on procurement, assess the conditions for participation across all three countries, provide an analysis on the challenges experienced and highlight necessary steps to improve the current state of play.



Context

As briefly introduced, public libraries and schools of all sizes across Europe have routinely relied on their local bookshops to source the books they have needed. It has always been – and to a certain degree continues to be – a mutually beneficial relationship among cultural businesses and institutions in local communities. Nowadays, however, the way in which public libraries and schools are purchasing their books is changing. In order for bookshops to supply books to public libraries and textbooks to schools in the same way they have always done, they must often take part in open calls for tenders through public procurement.

Public procurement is a process by which public authorities at different levels – be it local, regional, national or European – purchase goods and services from a number of companies in an open and fair way, allowing different providers to submit their offers. This can apply to anything from securing tech equipment for local administration to building a new road in a town. Naturally, it is also a process through which public bodies can acquire books for their public libraries and schools. This is done through the publication of open calls for tender, which are specific procedures where companies can openly apply and compete to win a contract and supply the specific goods or services advertised. These calls, which are publicly accessible via

dedicated procurement websites, often include a list of requirements and criteria that need to be met by all competing candidates.

Procurement is traditionally a matter of national competence, meaning that countries introduce their own legislation at national level taking into account their own national contexts and specificities. In the case of countries that are part of the European Union (EU), which our three case studies belong to, the EU has put in place a set of basic rules with the aim of providing more transparency, simplified procedures and a fair level playing field for European businesses to compete across the entire. More specifically, these consist of a number of harmonised public procurement rules in the shape of European directives, which must be applied and respected across all EU countries.

A directive is a type of European legislation that lays out recommendations and minimum rules which must be transposed and incorporated into national law across all member states. Essentially, this means that, while national laws are drafted and enacted according to their own contexts and specificities, they must still respect and incorporate certain ground level rules and key elements outlined by the European directive. Failure to do so means possible lack of compliance with EU law and can result in

the European Commission opening formal infringement proceedings against the country and even referring the case to the European Court of Justice, who could then impose financial sanctions on the country⁴.

The European procurement legislation harmonised package consists of three different directives that needed to be transposed into national legislation by 18th April 2016⁵ which aim to ensure transparency, equal treatment, open competition and sound procedural management, as well as to simplify procedures for European small and medium-sized enterprises. One of the tools introduced in European legislation to help achieve these objectives is a threshold for application to calls for tenders.

The European procurement directives set an EU-wide numerical threshold to clarify which tender opportunities are considered to be of high monetary value and should, therefore, be open for competition to all relevant companies across the EU. The EU threshold is currently set at €215,000 for most procurement contracts and services, including those concerning the supply of books, meaning that contracts with a value above this figure are considered to be of high monetary value and should, therefore, be open for tenders across the EU, with any European company fulfilling the criteria being

able to apply and win the contract. These calls are open and freely accessible through the EU’s dedicated portal: TED – Tenders Electronic Daily⁶. Meanwhile, contracts that fall below this EU threshold are considered to be of lower economic value and are, therefore, not advertised across the EU, instead only being shared nationally and subjected to each countries’ own respective national thresholds for application. Each member state has its own national threshold; for some, such as Ireland, it is as low as €25,000 while others, such as Finland, have set it higher at €60,000. In practice, this means that, for instance, if a contractor in Ireland advertises a procurement tender worth €90,000, it will be published on the national procurement portal, open to all relevant Irish businesses. Meanwhile, if a tender had a value of €500,000, it would have to be advertised at EU level via the EU’s TED portal.

As we introduced above, there are also instances where the monetary value of some purchasing contracts is so small that they do not even have to go through public procurement processes. However, this paper will focus on the cases where contracts are awarded through public procurement process via open calls for tenders, which is where most of the challenges arise for booksellers when it comes to the supply of books.

Contracts above €215,000 (EU threshold)	Between national/regional threshold and EU threshold	Below national or regional threshold
<ul style="list-style-type: none"> • High monetary value contracts • Open to competitors across EU and advertised on EU portal • EU and national procurement legislation (contractor’s member state) must be respected 	<ul style="list-style-type: none"> • Centralised procurement at national or regional level • Contract offers accessible to competitors at regional and national level through open calls for tender • EU and national procurement legislation must be respected • Evaluate competitors through criteria and select highest scoring tender 	<ul style="list-style-type: none"> • Contracts do not need to be advertised through open calls for tenders • Secure several written quotes from competitive suppliers and select most suitable offer

Descriptive table of procurement thresholds



With the introduction of these relatively new and somewhat complicated EU procurement rules, questions have been raised over the years by the bookselling sector regarding how beneficial these directives, and their respective national laws, have been to clarify the procurement process for booksellers across Europe and, perhaps most importantly, to support them in competing in and winning these calls for tenders.

This being said, this paper will look into the current state of play of the public procurement of books across three different countries – **Ireland**, **Finland** and **Germany** – to understand the current challenges experienced by bookshops and explore possible measures that can help improve their involvement in the process. These countries have been selected as case studies given their unique contexts and legislative developments on the subject matter, the engagement with the topic by the respective national booksellers' associations and their growing concerns with the effects of procurement process on smaller independent bookshops in recent years.

As in some cases the procurement process works differently depending on whether books are supplied to public libraries or to schools and different challenges arise, this paper will clearly distinguish both procedures in the case studies below.

Lastly, before moving on to the case studies, it is important to note that this topic cannot be addressed without considering the specificities of fixed and free book price systems and how this impacts national legislation on the matter. This has been taken into account in the analysis of the countries below.



Ireland



FREE BOOK PRICE

NATIONAL THRESHOLD:

€25,000

NAME AND YEAR OF PROCUREMENT LAW:

(Award of Public Authority Contracts) Regulations 2016 (SI No. 284 of 2016), 2016

MAIN ISSUE:

few big calls awarded to same large well-established suppliers

PUBLIC PROCUREMENT PORTAL:

etenders.gov.ie

GOOD PRACTICE:

One City One Book initiative involving entire book trade

For our first case study, we will look into the workings of book procurement processes in Ireland, a country with a free-price system.

When it comes to awarding public contracts in the supply of books to libraries as well as books to schools, Ireland (and the UK) has experienced an ongoing race to the bottom in terms of securing contracts for the most affordable price, a process which has severely impacted smaller bookshops and their business model, as will be explained below.

As an EU member state, Ireland must comply with EU legislation on public procurement. Nevertheless, since before the 2016 directives came into force and were incorporated into national legislation, Ireland had been experiencing problems with its national model of book procurement. Let's take a look.



Libraries

In 2014 the Irish Government introduced a proposal to centralise the acquisition of books for libraries as a part of its ambitious plans for public sector reform, meaning all library books would be purchased through a centralised procurement system regardless of the location. Already then, the late John McNamee, former European and International Booksellers Federation (EIBF) President and Irish bookseller, warned that such an initiative could result in the loss of over 100 jobs for Irish booksellers who rely on supplying local libraries as a vital source of revenue.⁷

Two years later, in 2016, the UK and Ireland Booksellers Association (BA), on behalf of Irish booksellers, continued to urge the Irish government to reconsider this controversial new national library tender scheme which would centralise the entire procurement process. The UK and Ireland BA argued that such a move would harm regional and local tender opportunities, which are vital for smaller booksellers to survive, and would open the door to contracts being granted to foreign companies, particularly those from the UK or US.⁸ In turn, this would affect the range of Irish published material available in Irish libraries.



These years of calls and warnings did not succeed, and in 2017, Irish booksellers alerted to the fact that 60% of public contracts had gone overseas, mainly to large wholesalers in the UK, resulting in a loss of €14 million in revenues over the 4-year course of most contracts.⁹

Meanwhile, as the EU directives and the following Irish legislation on public procurement were being negotiated and drafted, Irish booksellers once again called on the Irish Government to reconsider its plans and make use of an exemption in the law for cultural services. Doing so, they argued, would not lock out overseas suppliers, but could potentially offer more security to smaller Irish companies. Nevertheless, this advice was once again disregarded.

Since then, with the implementation of the 2016-2017 Irish procurement legislation, problems still persist. As per Irish procurement legislation¹⁰, the national threshold for application is set at €25,000. This means that contracts with a budget below this figure do not need to go through public procurement and be advertised on the national procurement portal through open calls for tenders, while contracts valued higher than the threshold and below the European threshold of €215,000 are advertised only at national level via the centralised portal¹¹. Above this EU threshold, calls need to be open and freely accessible to all relevant European providers through the EU's procurement portal TED (Tenders Electronic Daily)¹².

For the most part, calls involving the supply of books to public libraries are published on the centralised Irish procurement online portal¹³, although other websites also advertise them. Said advertised contracts tend to run for several years, are very large in size and are usually awarded to only a handful of companies. As introduced above, in the past, they often went to foreign suppliers, the main one being Bertrams, a large wholesaler based in the UK. Since then, Bertrams went into administration in 2020, and contracts have generally been awarded to a small number of larger, well-established and experienced companies based in Ireland, namely O'Mahony's, Irish Library Suppliers and International Education Services (IES) Ltd. Let's take a look at some examples.

In 2017, the Irish Education Procurement Service (EPS) awarded a contract¹⁴ to supply public library books and audiovisual material to four suppliers: Bertrams, O'Mahony's, Irish Library Suppliers and International Education Services

(IES) Ltd, each responsible for the provision of different kinds of products (from adult fiction to CDs and DVDs). With an initial budget of €25 million, only €6 million was actually spent on a contract that ran for four years, from 2017 to 2021. In 2020, when Bertrams went into administration and could not supply the books to libraries under its awarded lots, O'Mahony's and Irish Library Suppliers took over to fulfil Bertrams' lots¹⁵, thus reducing the number of suppliers to three.

Meanwhile, the most recent contract advertised in 2021 by the Irish Education Procurement Service (EPS) to supply of 'Print Books and Audio-Visual Material'¹⁶ to all public libraries within the twenty-nine local authority library services in Ireland, was once again won by the same suppliers for a period of three years, until January 2024. With a total budget of €26 million, it was split into six lots as follows: O'Mahony's (one lot with a value of €1.29 million), Irish Library Suppliers (two lots with a value of €1.22 million), International Education Services (IES) Ltd (two lots worth €3.13 million) and JK Multimedia Ltd (one lot worth €800,000 for the supply of CDs and DVDs) respectively. As with the previous contract, again, it appears that only €6 million was spent out of the €26 million budget foreseen, likely saving the public procurement services approximately €20 million in procurement costs.

Current issues

Taking stock of these two examples, the first observation is that, between 2017 and 2024, the suppliers awarded with the contracts to supply books to library services across the entire country are consistently the same four companies (excluding Bertrams which is no longer operational). While the contracts are now being awarded to Irish suppliers and no longer to foreign businesses, the contracts are still only granted to four larger companies, with little to no inclusion of smaller and more localised bookshops and suppliers.

A second issue observed is that, while the first call had several criteria to be met – namely capability, speed of supply, quality of service and cost-effectiveness (with the latter having the most weight with 45%)¹⁷ – the most recent call lists 'price' as the sole criteria, that is, a competitive price. There are no other apparent criteria currently listed. By primarily focusing on and prioritising price, while relegating any other criteria to a secondary category, it becomes a

race to the bottom to secure a contract for the lowest price, benefitting larger providers who have higher margins and the financial means to offer a lower price.

As highlighted above in this section, the participation in calls for tenders to supply books to libraries is vital for many small and local bookshops. However, due to the high volume of the orders and the restrictive criteria (namely cost efficiency and competitive pricing), the possibility of competing in, never mind winning, a contract for smaller businesses seems highly unlikely. Additionally, the process is extremely onerous due to the complexity of applications as well as time consuming, involving capacity, workforce and resources that small bookshops simply do not have.

How to improve the process

To allow smaller bookshops the chance to compete in and win contracts to supply books to libraries, Bookselling Ireland¹⁸, the Irish branch of the of the Booksellers Association and the leading organisation representing the interests of Irish bookshops, calls for:

1. Tenders and contracts to be split into smaller and more manageable sizes, in order to make them more viable and accessible to all.
2. Inclusion and prioritisation of additional criteria, such as social dimension and local relevance. Small bookshops know what their local libraries need; they understand the local dimension. By awarding contracts to large wholesalers with little to no connection to the area, the local connection is lost, as is the important social role of local bookshops in their communities.

3. Balance in the weighting of criteria. Cost-effectiveness and a competitive price have proven to be the main, if not the only, criteria when it comes to awarding contracts. In addition to more criteria, a more balanced distribution of weighting may encourage smaller competitors to participate and improve their chances to be awarded with contracts.

Unless some of these measures are taken into consideration in future revisions of the public procurement process, the chances of smaller bookshops to supply books to public libraries will continue to be slim, with the negative consequences that would entail. With the current state of play, there is also a risk that with Amazon further expanding into Ireland, we might see more of these contracts being awarded to them in the near future.

To end this section on a more positive note, there are still some helpful initiatives and examples of good practices where small and local bookshops are involved in the purchase and supply of books to libraries, such as:

- **One City One Book**, an initiative that encourages everyone in a given city to read and discuss the same book, at the same time. Irish cities such as Dublin¹⁹ and Cork²⁰ are already implementing it. It involves local councils and public libraries leading the programme and working in partnership with bookshops to supply the books. It is a perfect example of a mutually beneficial and collaborative initiative involving the entire book chain in a fair and balanced way, for the benefit of readers.
- **Summer Stars**²¹ reading festival, a free national reading programme for children that takes place in all public libraries across Ireland and online each summer. Libraries involve bookshops in the process by purchasing National Book Tokens, gift cards to be spent on books, from them.





Schools

The supply of schoolbooks in Ireland has experienced significant changes over the past years. A process that traditionally involved bookshops to a large extent, is now increasingly putting their involvement at risk.

The procurement of schoolbooks works similarly to the process for libraries, following the same procurement legislation and guidelines i.e., thresholds and respective procedures. This means, depending on the size of the contracts, schools may purchase books by advertising calls at national level, or instead, if the contract is smaller, select a provider upon reviewing several candidates' offers at a more local level. This process has usually taken place when securing books as part of schoolbook rental schemes.

When it comes to purchasing individual schoolbooks, traditionally and up until 2023, schools and their teachers would create book lists to be given to parents at the start of summer, who would then be responsible for sourcing these books wherever they found convenient. Many of them would choose to purchase them at bookshops during the summer break, as well as other ancillary products such as stationery, thus becoming an important part of a bookshop's business and a consistent source of income.

Current issues

In late 2022, as part of the announcement for the 2023 state budget, the Irish Government announced²² a new and ambitious plan: a scheme to provide free schoolbooks for all primary school students. Earlier this year, in March 2023, Irish Minister for Education Norma Foley provided more details²³ for the new 'Free Primary Schoolbooks Scheme'²⁴ which launched at the start of the school year in autumn 2023. With a budget of over €50 million for the 2023/24 period, the scheme aims, above all, to ease the financial burden of families and reach more than half a million students.

As to how this is expected to work in practice, little is known at the time of drafting this paper. What is certain, is that, from autumn 2023, parents no longer have to rent or purchase books directly from their preferred store, including bookshops, which is a drastic change from previous years. Instead, schools will now have to purchase all the books directly, in line with procurement rules. Guidelines²⁵ were published to assist schools and parents

with the implementation of the new changes. However, Bookselling Ireland claims that there was little consultation with the bookselling sector on the practicalities and implications of such a measure for booksellers²⁶. Furthermore, they argue that guidelines have thus far been unclear for many, as well as incomplete. So much so, that politicians have also asked the Minister for Education whether the impact on local bookshops had been taken into consideration prior to the announcement of the scheme.²⁷

While this is undoubtedly a positive measure for families across the country, particularly with current soaring costs and other expenses, the negative impact on bookshops and their business is inevitable. As mentioned above, with the purchase of schoolbooks, parents often purchased other ancillary school products, such as stationery and other materials. Therefore, under the new scheme, there will be a clear loss of revenue on direct and indirect products, and future cashflow issues along with a declining customer footfall can be expected.

Once the 2023/24 school period has passed, it will be easier to assess the impact of this measure on the bookselling sector. However, what can be expected is that fewer schoolbooks will be sold in the country and the market will decrease, as books will be reused and schools will try to comply with budgets without overspending. While not the most profitable part of a bookshop's business, it is still an important and reliable source of income for many, making the expected drop in schoolbook sales yet another setback for bookshops in the country.

How to improve the process

To mitigate this, Bookselling Ireland calls for the following actions:

- Clearer guidelines for the implementation of the 'Free Primary Schoolbooks Scheme'
- Involvement of bookshops in the supply of schoolbooks by schools under the new scheme
- Consideration of local relevance and social value in procurement calls



Finland

FREE BOOK PRICE

NAME AND YEAR OF PROCUREMENT LAW:

2016 Act on Public Procurement and Concession Contracts, 2016 and entered into force in 2017²⁸

PUBLIC PROCUREMENT PORTAL:

hankintailmoitukset.fi

NATIONAL THRESHOLD:

€60,000²⁸

MAIN ISSUE:

most awards go to 2 - 3 large suppliers and municipalities agree to procure jointly, resulting in larger calls and less chances for small bookshops to win

RECOMMENDED PRACTICE:

split tenders into smaller calls and involve local bookshops

Moving on to our second country and case study, we go up further north to Finland, another country with a free book price and public procurement practices that have progressively excluded smaller bookshops from the process, preventing them from carrying out vital aspects of their business, namely establishing partnerships with schools and libraries, thus harming their overall financial stability.

The topic of public procurement of goods and services is a popular one in Finland, particularly since the COVID-19 pandemic, as the budget and spending of local authorities become increasingly scrutinised given its impact on the supply of products and services across a wide range of sectors: from hospital supplies and food for care homes, to recruitment and IT services. Given Finland's free market model, the priority of the country's public sector is to provide all relevant businesses with sufficient

options and incentives to compete. However, what may seem like a positive approach in theory, is not actually taking place in reality. The procurement of books is one example where, despite the possibility of free competition being there, the current model is currently only benefiting a handful of large and well-established businesses, to the detriment of small and local bookshops.

Several decades ago, as early as the 1980s, Finland's book sector was a lot larger and more diverse than it currently is. While in 1980 the country boasted over 400 bookshops, now, as of early 2023, there are only 138 left.³⁰ Back then, bookshops actively took part in the supply of books to libraries and in the sale of schoolbooks, as it was an important part of their business. However, over the years, a combination of factors, including changes in purchasing dynamics by local municipalities and legislative changes, have impacted the

involvement of smaller bookshops, which has contributed to the number of bookshops in the country progressively declining.

Public procurement in Finland is regulated by national procurement legislation³¹, which is in line with the most recent EU procurement directives. The national threshold under Finnish law is set at €60,000, which is more than double of the Irish national procurement limit. What this means in practice is that contracts for book orders below this value do not need to be advertised under the national centralised Finnish public procurement platform HILMA³², while they do if they surpass it. Meanwhile, those tenders that are even higher in value than the EU threshold of €215,000 must also be published on the EU portal.

The way book procurement works in the country is similar for the supply of books to libraries and schools, but for the sake of consistency, each will be explained separately below.

Libraries

Local municipalities in Finland are in charge of purchasing books for their own libraries, in particular through specific procurement units within their administration.

Current issues

As introduced above, in the past, the supply of books to libraries involved bookshops of all sizes and areas, and it represented a big part of their business. However, over the years, this tendency has progressively changed. Currently, contracts for the supply of books to libraries are advertised in calls for tenders of large size, with budgets of millions of euros for long periods of time, usually from two to four years. The criteria for these calls vary, but the overall objective is to secure a contract for an affordable price with companies that have the expertise and sufficient capacity to store and supply large volume of books.

As a result, in recent years, contracts have been consistently awarded to a handful of companies in the country, mainly large wholesalers, distributors and book-chains such as Kirjavälitys



Oy, Booky Oy and Suomen Kirjastopalvelu Oy.

Take the example of a call for tenders launched in 2020 by the city of Lahti³³, in the south of the country, to supply Finnish general literature, foreign literature and sheet music to libraries in Lahti and several other municipal towns in the region. With a total estimated budget of €4 million for a duration of 3 years, the call was advertised at EU-wide level via the TED portal, with the main criteria simply being the best price possible. Only two offers were received, and the contract was eventually awarded to Kirjavälytys Oy, briefly introduced above, which is one of the country's largest and most well-established wholesalers and suppliers of books in Finnish language.

To make matters more complicated for smaller bookshops, local municipalities have begun working together as part of groups or coalitions in order to purchase books in larger bulks to streamline the process and minimise costs. In practice, this results in advertised calls for tenders being even larger in size and with additional conditions such as specific requests on invoicing, packaging and transportation, making it even harder for smaller and more localised bookshops to compete. Let's look at examples to understand the scope and implications of these calls.

The first example is call for tenders from 2022 advertising a contract for the supply of library books and related audiovisual materials³⁴, issued by the group Sarastia Oy, a procurement company contracted by a coalition of Finnish municipalities to assist them with their procurement activities, which had an estimated budget of a staggering €25 million for a duration of four years. The aim of the call was to supply domestic literature, foreign literature in English, foreign literature in Swedish, foreign literature in other languages, domestic and foreign sheet music, domestic and foreign audio books and videogames, among others.

The group Sarastia Oy is a procurement company owned by over 285 municipalities, with the major stakeholders being the cities of Pori, Hämeenlinna and, to a lesser extent, Turku³⁵. All three major cities are in Southern Finland, but belong to different regions, which is an example of broader cooperation among multiple cities and municipalities to increase and streamline procurement purchases. Once again, the call had to be advertised at EU-level, but only received two offers, with the contract being awarded to familiar suppliers: Kirjavälytys Oy and Suomen Kirjastopalvelu Oy, another large

supplier of books in the country.

Given the large size of the calls introduced above and their restrictive criteria, it is practically impossible for smaller bookshops to take part and compete in such calls, as they do not have the means or resources to supply such a volume of books or fulfil some of the additional required criteria.

In the rare occasion that calls are smaller in size, that is, below the national threshold of €60,000, municipalities could technically purchase goods from local bookshops. However, according to the Finnish Booksellers Association, this happens less and less.

How to improve the process

Over the years, the Finnish Booksellers Association has called³⁶ for contracts to supply books to be split into smaller tenders as well as reasonable criteria that smaller bookshops can comply with. Should some of their recommendations not be introduced, contracts will continue to be awarded to large suppliers, excluding smaller independent bookshops from the process and depriving them from a vital source of income.

Schools

The situation with schoolbooks in Finland is not much different. All schoolbooks for compulsory education are free of charge and are now purchased by municipalities through open calls for tenders advertised on the national procurement portal. The calls are very large in size, often surpassing the EU threshold, and are mainly awarded to the same few companies listed above, who then supply the books and additional ancillary educational material to schools. However, the process wasn't always like this.

Bookshops used to be actively involved in the sale of schoolbooks to students of all ages; it was an important part of their business, as for bookshops across many other European countries. Schools would issue book lists and students, together with their parents, were free to purchase the books from their choice of retailer or outlet, often choosing bookshops.

Current issues

However, over the years, a number of measures, including changing purchasing dynamics and new legislation, made way for new models of schoolbook supply and significantly hindered

the involvement of smaller and local bookshops in the process. For instance, local municipalities have increasingly been in charge of purchasing primary and secondary education schoolbooks through open calls for tenders and, as is the case for the supply of books to libraries, they are often joining forces and purchasing books together in larger bulks, and awarding the contracts to the same suppliers who can offer the most competitive price.

An example of this is a call for tenders advertising the purchase of elementary school and secondary school textbooks and electronic learning materials³⁷. The call was published in early 2021 by the group Kuntien Hankintapalvelut KuHa Oy³⁸, which is a limited procurement company owned by seven municipalities to make joint procurement purchases. The budget for a 2.5 year period is a staggering €14.2 million, split between €11 million for primary school material and the remaining for secondary school. The contract was granted to one of the country's largest wholesalers, the previously introduced Kirjavälytys Oy.

As for upper secondary education books, up until 2021, they were not free of charge and could be purchased from bookshops. However, a 2021 law extending compulsory education until the age of 18³⁹ also made additional changes to schoolbook material for upper secondary education, resulting in schools now having the obligation to provide high school students

with books and other educational material free of charge⁴⁰. In order to do so, books for upper secondary education now also have to be purchased by municipalities through open calls for tenders to be then supplied to schools, once again making it practically impossible for smaller bookshops to be included in the process and compete to win contracts.

Among other effects, the aforementioned changes have led to the sales of schoolbooks declining radically in bookstores year after year. For instance, in 2021 bookshops experienced a 44% decline in schoolbook sales compared to the previous year.

How to improve the process

In light of this trend and the concerning figures in bookshops, the Booksellers Association of Finland⁴¹ (*Kirjakauppaliitto*) has actively worked to ensure that bookshops continue to be included in the tendering processes and the overall supply of schoolbooks across all ages. Ahead of the introduction of the 2021 legislative changes, which extended the period of compulsory education and would drastically change the system of upper secondary schoolbook purchasing, the Finnish Booksellers Association published a paper⁴² together with the Association of Finnish SMEs (*Siksi Suomen Yrittäjät*) aimed at municipalities and schools, with recommendations on how to successfully include bookshops in book purchasing in order to support the book trade and prevent future shop closures.

The main recommendations⁴³ included in this paper, which are still very much pressing, are:

- Joint procurements by municipalities should be carefully considered: municipalities should engage in dialogue with different businesses and relevant stakeholders to understand the implications and possible knock-on effects of large purchases, including lack of competition and potential market centralisation
- Split tenders into smaller calls, as per procurement legislation, to allow for more competition and equal chance for smaller businesses
- Involve smaller bookshops: they are experienced and can adapt to changing study materials during the year
- Distribution of learning vouchers to students on behalf of municipalities, allowing students to purchase books in the establishment of their choice, which would support the preservation of a healthy network of bookshops



Germany

FIXED BOOK PRICE

NAME AND YEAR OF PROCUREMENT LAW:

Gesetz gegen Wettbewerbsbeschränkungen, Vergabeverordnung, Unterschwellen- und Oberschwellen-Vergabeverordnung (2016), as well as Fixed Book Price law + procurement rules of the federal states

PUBLIC PROCUREMENT PORTAL:

No single portal at federal level. Multiple websites + each state's own portal

NATIONAL THRESHOLD:

not defined at national level, but at state level (ranging from €10,000 to €100,000 depending on the state)

MAIN ISSUE:

Fixed book price forbids competition on price, so tender offers are all almost identical and contracts are often awarded by luck of the draw

RECOMMENDED PRACTICE:

Local municipalities to enable local libraries to cover their book needs independently through local bookshops. When tenders are inevitable, split calls into smaller lots (City of Leipzig and City of Munich)

For our final case study, we will delve into the book procurement model of one of the largest book markets in Europe: Germany.

Unlike the aforementioned countries, Germany has a fixed-book price law⁴⁴ dating back to 2002, which plays a big role in how the procurement process works, as it stipulates that books must be sold at a fixed price, with limited opportunities for discounts on books. More on how the German Fixed Book Price Law affects the procurement of books will be explained below.

Besides the Fixed Book Price law, when looking at the legislation that guides the procurement process, one has to consider Germany's political system. Germany is one of the only federal countries in Europe, with highly self-governing autonomous regions or states (*Bundesländer*) that adopt their own laws on areas such as education, culture and administration, including

procurement. This inevitably affects German procurement legislation, leading to several administrative layers to be considered: there is the federal-level legislation, that is, legislation set by the central government that is applicable across the entire country complemented by state-level laws, which is individual procurement legislation adopted in each of Germany's sixteen states (*Bundesländer*).

At federal level, in 2016, Germany undertook a significant procurement modernisation to align with the European directives and make its national rules more current, competitive and user-friendly, which resulted in several pieces of legislation, namely the Act against Restraints of Competition, Public Procurement Regulation, Subthreshold and Upper Threshold Public Procurement Regulation⁴⁵. Meanwhile, at regional level, German *Bundesländer* also had to adapt their rules to ensure they fully comply with EU law as well as federal rules.



This combination of national and regional rules along with different specifications and requirements makes an already administratively cumbersome process even more complex. For instance, there is no single centralised website or portal gathering all the different notices for tenders for the acquisition of schoolbooks and library books at national level; instead, there are a number of websites as well as each state's own public portal. Furthermore, unlike Finland and Ireland, Germany's Federal procurement legislation does not provide a national threshold of application. Instead, each German state (Bundesland) has its own threshold for procurement contracts⁴⁶, meaning that while contracts in Berlin with a value over €10,000 will need to be published on the regional procurement portal, in the northern state of Schleswig-Holstein, the threshold is set at a much higher value of €100,000.

Taking stock of Germany's complex legislative framework and unique political configuration, we will seek to explain below how the procurement process works in practice for bookshops looking to supply books to libraries and schools.

Libraries

When it comes to the procurement of books for libraries, there are two main procedures that can take place:

1. Books can be procured **centrally** by public institutions on behalf of libraries.
2. **Decentralised**: individual libraries can be authorised by their local public authorities to cover their literature needs independently

The type of procurement determines the value of the contract and thus the award procedure.

Bookshops have always been very involved in the supply of books to libraries. As is the case for the previous case studies, in Germany it is a core part of their business, not only because book orders from libraries generate considerable sales for local bookshops but because it also helps strengthen the ties between two vital parts of the book value chain. Many German libraries still order their books through local bookshops or with specialist suppliers, primarily EKZ⁴⁷, a private company partially owned by public libraries. However, this decentralised dynamic system is slowly changing, as the number of public libraries deciding to go through tendering processes at national and EU-level is growing, and with that, several problems have been brought to light.

Current issues

Local public authorities and their public libraries have begun to centralise library purchases through open calls for tenders, in order to streamline the process and minimise administrative costs, resulting in books being ordered in larger bulks and contracts being advertised at national and even European level. Take the example of the Hanover City Library, which earlier this year announced its intention to advertise their book purchasing needs through open calls for tenders across Europe, much to the dismay of local booksellers.⁴⁸ The City Library argued that, currently, books are being purchased from approximately 35 bookshops in Hanover and other larger service providers across Germany in a way that is neither very transparent nor in line with procurement rules. Opening up the process would not only save costs but increase competition, which is what procurement rules encourage. Meanwhile, affected booksellers believe that opening the door to larger international suppliers through open calls would damage local trade and would not offer the library any cost savings, as the German fixed book price law prevents any pricing competition: the cost of supplying the books would be the same no matter the supplier.



Under the German fixed book price law, public institutions or libraries purchasing books must pay the established fixed book price for the book. However, as per § 7 II of the law, suppliers such as booksellers may grant libraries a maximum price reduction of either 5% or 10% depending on the type of library: 5% to research libraries and 10% to town, state and school libraries, as well as churches and Armed Forces and police libraries.

Additionally, as mentioned above, given the fixed book price law, German book procurement contracts are not awarded to competing suppliers based on who can offer their services for the best value for money, which differs from our first two case studies, Ireland and Finland. In the end, multiple offers end up looking practically identical, resulting in contracts often being awarded at random by drawing lots. Consequently, there are cases where a contract is awarded to a supplier based on the other side of the country⁴⁹, which is not only logistically impractical but also environmentally questionable.

Furthermore, with no price competition, additional demands are becoming more common in book procurement calls for tenders. One of the main ones is the requirement to offer library-specific ancillary services, such as book binding and labeling services, which are technically not part of book procurement. These additional services are increasingly being outsourced by public libraries through book purchase tenders, and are too costly for bookshops to carry out, putting them at a disadvantage and making them miss out on tender opportunities. Booksellers and other trade specialists suspect that combining book purchases with additional library services in a single contract is one of the key reasons why public libraries, such as the Hanover City Library, are increasingly keen to publish book procurement contracts through open tenders.⁵⁰

The combination of factors outlined above, namely offers being chosen by the luck of the draw tied with the obligation to provide additional ancillary library-services as part of the book purchase contract, make it practically impossible for smaller bookshops to compete fairly and win library book contracts.

How to improve the process

The German Publishers and Booksellers Association (Börsenverein des Deutschen Buchhandels) – the trade association representing German publishers, booksellers and wholesalers – are actively engaged in this topic, providing legal advice to booksellers engaged in book procurement processes involving libraries and schools.⁵¹ As a trade association, Börsenverein has openly stated⁵² that tendering procedures make little sense when pricing is not open to competition. What is encouraged instead is for public local administration to enable their district or individual libraries to cover their book needs independently, sourcing them from their local bookshops through small and specialist lots. When this is not possible, smaller-scale calls should be prioritised. There are ways to ensure that calls do not exceed the EU threshold, for instance, by designing them in a way that large contracts are divided into smaller lots of lower economic value, giving smaller bookshops a fairer chance to compete. Furthermore, specific ancillary services such as book binding and labelling should be advertised separately from book purchases.

Some public authorities are following suit and applying these recommendations. For instance, the Leipzig public authority had initially advertised a call for tenders in 2022 worth €1,2 million to supply all kinds of literature to their public libraries. However, upon consultation with the book sector of the area, the call for tenders was cancelled and instead broken up into smaller contracts, making it easier for local and regional booksellers to participate in the process (at least in principle, as some booksellers still argue that the measure is merely a compromise and not sufficient to guarantee equal opportunities for smaller bookshops, given that the overall size of the tender and the ancillary service provision remain unchanged).

Schools

As for the procurement of schoolbooks, the first important factor to consider is that education is a state-level policy and competency, meaning each state's legislation and rules on educational matters take precedence over federal government's input.

In general, there are two types of schoolbook procurement observed:

- 1. Centralised** schoolbook procurement: schoolbooks can be procured centrally by the respective school authority or an association of school authorities jointly for all schools of which it is the sponsor
- 2. Decentralised** schoolbook procurement: schools can be allocated their own budgets by their local authorities. Schools then purchase schoolbooks independently from their provider of choice.

A school or school authority is free to choose between centralised and decentralised procurement provided that the laws at state level allow for the possibility of decentralised schoolbook procurement. While central schoolbook procurement is likely to require a public or even a Europe-wide call for tender due to larger volumes, the choice of decentralised schoolbook procurement will often result in a direct award or a tender limited to local bookshops.

As with library purchases, orders from schools represent a vital part of book sales for local and regional bookshops. A good relationship and connection with the local school community (teachers, students and parents) is also very important, as it can lead to additional sales opportunities beyond compulsory school material, including Mangas, young adult literature, games and stationery.

Current issues

In recent years, Germany has been experiencing a growing trend of schoolbooks no longer being purchased by schools from their local bookshops through individual contracts, but instead them being procured centrally through open calls for tenders in bulks of high value, often exceeding the EU-wide threshold of €215,000. A simple search through the European tenders portal⁵⁵, which gathers all the large calls for tenders open to European providers, shows a long list of results for schoolbook contracts all over the country. For instance,

in 2021 the city of Cologne issued one single call for tender for the supply of textbooks to all its municipal schools, with a value of €20 million.⁵⁶ Similarly, the school authority for the City of Kaiserslautern⁵⁷, representing 29 schools of the region, also published a large call worth €1,9 million to purchase books for all its schools. Given its size, greatly exceeding the EU threshold, the call was published Europe-wide. The books were divided into five lots⁵⁸ by type of school in order to achieve a more diverse supply. However, none of the lots were awarded to local bookshops or suppliers. How did that happen? Let's break it down.

Once again, the Fixed Book Price has a significant impact on the process of schoolbook purchasing and determines what is (and isn't) allowed. More precisely, article § 7 III of the law stipulates that there is a precise discount allowed for schools or school authorities purchasing textbooks depending on the volume of the order. If orders are procured through public tenders, this results in all suppliers being obliged by law to submit offers which are identical in terms of price, as the law does not allow for pricing competition. Given the fact that there is no competition on price, the contractor (the Kaiserslautern school authority in the example above), ends up receiving practically identical offers from all the bidding suppliers (in this case 38 offers). As there is nothing setting them apart, offers are selected by the luck of the draw, resulting in suppliers winning contracts and shipping schoolbooks to the other side of the country. This is what happened to the call in Kaiserslautern, where the contracts were awarded randomly to several suppliers based hundreds of kilometres away, but to no local bookshop or supplier. Once again, this makes little sense logistically and environmentally.

Through this increasingly normalised centralised textbook purchasing system, local bookshops end up being excluded from the process, as they do not have the capacity to comply with such high ordering volumes and ship books over large distances given the luck of the draw system. Instead, this centralised system ends up benefitting primarily specialised large suppliers who have the resources to do so. As a result, smaller bookshops not only miss out on schoolbook orders as an important source of revenues, but also lose the connection to potential customers such as teachers, students and parents.

How to improve the process

The German Publishers and Booksellers Association (*Börsenverein des Deutschen Buchhandels*) is again very involved in this space, providing legal expertise to booksellers involved in schoolbook procurement, as well as engaging with local municipalities to remind them of their options. They warn about the little sense⁵⁹ in publishing calls for tenders for price-controlled textbooks, as open calls for tenders should enable the contractor to select the most competitive offer considering a wide range of criteria including price, which does not occur with textbook tenders due to the lack of price competition. They also highlight that there is an enormous need for awareness raising and clarification on the schoolbook procurement practicalities, both towards municipalities issuing the tenders as well as the book trade competing to win a tender, mainly due to the peculiarities of the Fixed Book Price law. As a result, the legal department of the *Börsenverein* provides schools, school authorities, local municipalities and, naturally, booksellers with practical information and advice.⁶⁰

A practice highlighted by the *Börsenverein* that is positive and beneficial for the book trade involves allowing schools to place their schoolbook orders directly with their local bookshop under their own acquisition budget. The result is a partnership between schools and booksellers, with the book trade fulfilling an important function by advising teachers and parents, promoting reading and complementing school education.

In cases where individual contracts cannot be secured, small-scale and well-designed lots in tenders are recommended. This would ensure bookshops can adequately participate, even if there is no guarantee that contracts would be awarded to local bookshops. A positive approach that incorporates these recommendations is one carried out by the city of Munich,⁶¹ which, upon consultation and in agreement with the Bavarian book trade association, agreed to restructure its lots into smaller sizes to allow smaller bookshops to take part in the process. This decision came after evidence showed that 60% to 80% of bookshops were being excluded from textbook tenders due to their large size and turnover expectations.



Analysis

Having examined the ins and outs of book procurement and the systems in place across three different European countries, there are several important takeaways to be considered that can also be extrapolated to the wider European book procurement:

Local bookshops are struggling to supply books to libraries and schools

Local bookshops have traditionally been very involved in the supply of books to libraries and schoolbooks to the schools in their communities. It has always been a major part of their business as well as revenues they could rely on. These contracts and agreements to supply books locally have benefitted not only the local economy, but also the local cultural landscape and the relationships between teachers, students, parents and booksellers in their communities.

Now, both in countries with and without a fixed book price law, fewer book orders are being sourced locally. Instead, book orders are becoming larger in volume, meaning booksellers do not have the means, resources, staff, or infrastructure to fulfil the demand, leaving the market only accessible to big players with more resources but little to no connection to local schools and libraries. This shift in book purchasing is significantly affecting the financial livelihood of local bookshops and arguably straining the relationship between schools, libraries and bookshops in the process.

High volume book orders advertised through calls for tenders benefit larger suppliers to the detriment of smaller bookshops

There is a growing trend among public bodies, as well as schools or school authorities, libraries and library authorities to rely on purchasing books in a centralised manner in

large quantities through open calls for tenders. The main reasons why offers are advertised on calls for tenders appear to be: saving costs, reducing administrative burden and outsourcing additional services, such as book binding and labelling, by tying them together with book procurement.

Smaller bookshops do not have neither the logistical capacity nor the resources to comply with some of the requirements, never mind providing these additional ancillary services for as low a price as competitors can offer, resulting in them gradually missing out on these calls altogether.

Where competition on price is allowed, price is overwhelmingly prioritised over other criteria

In countries with a free book price model, such as Ireland and Finland, contracts are often awarded to suppliers who can offer the best price. This is the key criterion across multiple calls for tender analysed.

Booksellers believe that if additional criteria such as local relevance, local added value and sustainability among others were given a stronger weighting, they would stand more of a chance.

Where competition on price is not possible, a change in the procurement model is necessary

In Germany, books for libraries and schools are increasingly purchased through open calls

for tenders. However, there is no competition on price due to conditions set by the German fixed book price law. With very few other criteria to be met, most competing offers end up looking identical. The only competition allowed is for additional services which are rendered alongside the delivery of the books, services which are increasingly expected and which smaller bookshops struggle to offer for a low price compared to larger providers. Ultimately, municipalities and city administrations end up purchasing books by drawing lots given identical offers, in some cases from suppliers based on the other side of the country, which is logistically and environmentally senseless.

Recent EU procurement legislation has not resolved procurement issues

The 2014 EU legislation on procurement intended to simplify procurement procedures, improve competition and reinforce equal treatment, particularly for the benefit of SMEs. While this may have occurred for large tenders across a variety of sectors, ensuring European competitors can access and compete in calls for tenders of high-monetary value across borders, issues involving lack of equal chances for smaller businesses to compete in are still very much prevalent. While national legislation as well as local, regional and national public bodies play a big role in the success or failure of procurement processes, the effectiveness and success of the European directives, which are intended to improve the process throughout the EU, can also be disputed.

Remedies need to be put in place to avoid exclusion of smaller bookshops

With all of the above said, national booksellers associations across the three case-studies have brought forward many helpful recommendations for all relevant authorities to help include smaller bookshops in procurement process moving forward. Should these recommendations not be followed, bookshops will continue to miss out on a vital part of their income, putting their financial sustainability at risk, and will progressively be deprived from providing their communities with the services, knowledge and expertise that make their profession so unique.

Calls to action

Based on the takeaways listed above, this paper highlights several common calls to action that are essential to ensure a healthy and balanced procurement process in the book sector across Europe, particularly to the benefit of local bookshops and their communities alike:

1. **Prioritise** local procurement wherever possible
2. Where not possible, require local municipalities, public libraries, schools, school authorities and/or their representative organisations to **design calls for tenders in smaller lots and sizes** that consider the capacities of smaller and local businesses and allow them to compete on equal terms
3. Assign **greater weighting to criteria such as local expertise, sustainability and local economic impact** in the assessment of tendering offers, particularly where price competition is allowed and remains the strongest driver
4. Clearly **separate book procurement from requirements to provide additional ancillary services** often tied together in calls for tenders where there is no competition on price
5. Ensure **procurement legislation at all levels remains fair, balanced and up to date**, whilst prioritising not only fair competition and simplified procedures but also sustainability and local competitiveness
6. Remain open and available to **regular discussions with the local bookselling sector** regarding their needs, priorities and recommendations on book procurement

Conclusion

The process of supplying books to libraries and schools is undoubtedly changing, moving from smaller and more localised book-purchasing agreements to larger and more centralised orders. While this may be benefitting cities, local municipalities, schools and libraries in terms of minimising costs and reducing their administrative burden, it has an inevitable knock-on effect on the book value chain and is particularly detrimental to local bookshops, contributing to a significant loss of revenues and straining possible connections with local schools and libraries.

National booksellers' associations and many bookshops in the countries covered by this paper have been warning of the devastating

effects of these changing dynamics in book purchasing for years, but problems persist and extend to many more European countries not featured in this paper.

It is, therefore, essential for political bodies involved in public procurement across all levels – municipal, regional, national and even European – to take this paper's calls to action into consideration and involve local bookshops as much as possible in the supply of books to local schools and libraries, for the benefit of all stakeholders. This is not only important for the survival of smaller bookselling businesses, but fundamental to help sustain financially resilient, sustainable and self-sustaining local communities.

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