

## **DSO Entity's responses to the European Commission's consultation on the revision of the EU Public Procurement Directives**

*Submitted on 2c.01.202c*

The response comprises two submissions, available in this file:

1. Response to the questionnaire ..... **pp.2-38**
2. Annex to DSO Entity's response ..... **pp.3G-42**

# Public Procurement Directives - revision

Fields marked with \* are mandatory.

## Introduction

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As announced in the Political Guidelines for the next European Commission 2024-2029<sup>[1]</sup> and the 2026 Commission Work Programme<sup>[2]</sup>, the European Commission is preparing a **revision of the EU Public Procurement Directives**. The main objectives of the revision are to make public investment and spending more efficient, while continuing to prevent corruption, to design tools to strengthen economic security and sovereignty and to better align public procurement policy with EU strategic policy objectives.

In preparation of the revision and following the evaluation of the EU public procurement Directives<sup>[3]</sup>, the Commission is launching this public consultation to gather views from all interested parties.

This public consultation is an opportunity for everyone to share their thoughts, experiences, and ideas on how to improve public procurement in the EU ahead of the planned revision. This will improve the evidence base underpinning the initiative and enable the Commission to take into consideration information and views of citizens and stakeholders.

The questionnaire is **divided into two parts**. The first part is short and requires no detailed knowledge of public procurement law and systems. The second part is more detailed and technical, requiring specialised knowledge. If you have the opportunity to answer the second part, please set aside some extra time to provide your input.

Please note that this consultation does not cover rules related to defence procurement or the EU Remedies Directive. These areas are outside the scope of this review. The public consultation runs in parallel to a call for evidence.

[1] European Commission, Political Guidelines for the Next European Commission 2024–2029, 2024.

[2] Secretariat-General, 2026 Commission Work Programme and Annexes, European Commission, 21 October 2025.

## About you

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### \* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

### \* I am giving my contribution as

- ☐ Academic/research institution

- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☒ Other

\* First name

Elisa

\* Surname

van Dooren

\* Email (this won't be published)

Elisa.vanDooren@eudsoentity.eu

\* Organisation name

*255 character(s) maximum*

EU DSO Entity

\* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

## \* Country of origin

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

- |   |   |  |  |
|---|---|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti                            | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                                 |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica                            | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon                    |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic                  | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines             |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador                             | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa  |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt                               | <input type="radio"/> Macau            | <input type="radio"/> San Marino                                   |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador                         | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe                        |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea                   | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                                 |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea                             | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                                      |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia                             | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                                       |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini                            | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                                   |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia                            | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                                 |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands                    | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                                    |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands                       | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                                 |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji                                | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                                     |
| <input type="radio"/> Austria             | <input type="radio"/> Finland                             | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                                     |
| <input type="radio"/> Azerbaijan          | <input type="radio"/> France                              | <input type="radio"/> Mayotte          | <input type="radio"/> Solomon Islands                              |
| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana                       | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                                      |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia                    | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                                 |
| <input type="radio"/> Bangladesh          | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova          | <input type="radio"/> South Georgia and the South Sandwich Islands |

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|--|---|--|--|
| <input type="radio"/> Barbados                         | <input type="radio"/> Gabon                             | <input type="radio"/> Monaco                   | <input type="radio"/> South Korea            |
| <input type="radio"/> Belarus                          | <input type="radio"/> Georgia                           | <input type="radio"/> Mongolia                 | <input type="radio"/> South Sudan            |
| <input checked="" type="radio"/> Belgium               | <input type="radio"/> Germany                           | <input type="radio"/> Montenegro               | <input type="radio"/> Spain                  |
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| <input type="radio"/> Benin                            | <input type="radio"/> Gibraltar                         | <input type="radio"/> Morocco                  | <input type="radio"/> Sudan                  |
| <input type="radio"/> Bermuda                          | <input type="radio"/> Greece                            | <input type="radio"/> Mozambique               | <input type="radio"/> Suriname               |
| <input type="radio"/> Bhutan                           | <input type="radio"/> Greenland                         | <input type="radio"/> Myanmar/Burma            | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bolivia                          | <input type="radio"/> Grenada                           | <input type="radio"/> Namibia                  | <input type="radio"/> Sweden                 |
| <input type="radio"/> Bonaire Saint Eustatius and Saba | <input type="radio"/> Guadeloupe                        | <input type="radio"/> Nauru                    | <input type="radio"/> Switzerland            |
| <input type="radio"/> Bosnia and Herzegovina           | <input type="radio"/> Guam                              | <input type="radio"/> Nepal                    | <input type="radio"/> Syria                  |
| <input type="radio"/> Botswana                         | <input type="radio"/> Guatemala                         | <input type="radio"/> Netherlands              | <input type="radio"/> Taiwan                 |
| <input type="radio"/> Bouvet Island                    | <input type="radio"/> Guernsey                          | <input type="radio"/> New Caledonia            | <input type="radio"/> Tajikistan             |
| <input type="radio"/> Brazil                           | <input type="radio"/> Guinea                            | <input type="radio"/> New Zealand              | <input type="radio"/> Tanzania               |
| <input type="radio"/> British Indian Ocean Territory   | <input type="radio"/> Guinea-Bissau                     | <input type="radio"/> Nicaragua                | <input type="radio"/> Thailand               |
| <input type="radio"/> British Virgin Islands           | <input type="radio"/> Guyana                            | <input type="radio"/> Niger                    | <input type="radio"/> The Gambia             |
| <input type="radio"/> Brunei                           | <input type="radio"/> Haiti                             | <input type="radio"/> Nigeria                  | <input type="radio"/> Timor-Leste            |
| <input type="radio"/> Bulgaria                         | <input type="radio"/> Heard Island and McDonald Islands | <input type="radio"/> Niue                     | <input type="radio"/> Togo                   |
| <input type="radio"/> Burkina Faso                     | <input type="radio"/> Honduras                          | <input type="radio"/> Norfolk Island           | <input type="radio"/> Tokelau                |
| <input type="radio"/> Burundi                          | <input type="radio"/> Hong Kong                         | <input type="radio"/> Northern Mariana Islands | <input type="radio"/> Tonga                  |
| <input type="radio"/> Cambodia                         | <input type="radio"/> Hungary                           | <input type="radio"/> North Korea              | <input type="radio"/> Trinidad and Tobago    |
| <input type="radio"/> Cameroon                         | <input type="radio"/> Iceland                           | <input type="radio"/> North Macedonia          | <input type="radio"/> Tunisia                |
| <input type="radio"/> Canada                           | <input type="radio"/> India                             | <input type="radio"/> Norway                   | <input type="radio"/> Türkiye                |
| <input type="radio"/> Cape Verde                       | <input type="radio"/> Indonesia                         | <input type="radio"/> Oman                     | <input type="radio"/> Turkmenistan           |

- Cayman Islands
- Iran
- Pakistan
- Turks and Caicos Islands
- Central African Republic
- Iraq
- Palau
- Tuvalu
- Chad
- Ireland
- Palestine
- Uganda
- Chile
- Isle of Man
- Panama
- Ukraine
- China
- Israel
- Papua New Guinea
- United Arab Emirates
- Christmas Island
- Italy
- Paraguay
- United Kingdom
- Clipperton
- Jamaica
- Peru
- United States
- Cocos (Keeling) Islands
- Japan
- Philippines
- United States Minor Outlying Islands
- Colombia
- Jersey
- Pitcairn Islands
- Uruguay
- Comoros
- Jordan
- Poland
- US Virgin Islands
- Congo
- Kazakhstan
- Portugal
- Uzbekistan
- Cook Islands
- Kenya
- Puerto Rico
- Vanuatu
- Costa Rica
- Kiribati
- Qatar
- Vatican City
- Côte d'Ivoire
- Kosovo
- Réunion
- Venezuela
- Croatia
- Kuwait
- Romania
- Vietnam
- Cuba
- Kyrgyzstan
- Russia
- Wallis and Futuna
- Curaçao
- Laos
- Rwanda
- Western Sahara
- Cyprus
- Latvia
- Saint Barthélemy
- Yemen
- Czechia
- Lebanon
- Saint Helena Ascension and Tristan da Cunha
- Zambia
- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

#### ☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

#### ☒ Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

## Overall objectives

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The **evaluation of the 2014 public procurement directives** (SWD(2025)332) concluded that their intended objectives have only been partially met, and several problems remain: legal clarity and flexibility did not improve, new sector-specific rules added complexity to the legal framework, transparency levels increased but corruption risks and data gaps remain, competition levels can be further enhanced, direct cross-border participation remains limited, and environmental, social and innovation procurement uptake, while progressing, remains uneven. At the same time, new priorities such as economic security and strategic autonomy have emerged, accentuated by recent geopolitical developments.



## Improving efficiency and transparency of the new rules

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

*Use drag&drop or the up/down buttons to change the order or accept the initial order.*

|   |   |
|---|---|
| ⋮ | <b>make procurement rules more flexible</b> (e.g. more space for negotiations, more discretion given to public buyers)  |
| ⋮ | <b>reduce administrative burden through full digitalisation</b> (e.g. digitalisation of the entire procurement process, single digital procurement entry point, data reuse)                     |
| ⋮ | <b>make procurement rules less detailed</b> (e.g. focus on high-level concepts, less rules defining procedural steps)   |
| ⋮ | <b>facilitate the aggregation of demand</b> (e.g. joint procurement by several authorities, reinforcing the role of central purchasing bodies, framework agreements)                            |
| ⋮ | <b>facilitate SMEs participation</b> (e.g. division into lots, payment schemes including direct payments to subcontractors)   |
| ⋮ | <b>make procurement rules less prone to litigation</b> (e.g. more detailed procedural rules to avoid ambiguity)   |
| ⋮ | <b>prioritise broader policy goals by moving beyond the lowest-cost paradigm</b> (e.g. to include objectives like sustainability, innovation, social responsibility and <i>Made in Europe</i> ) |
| ⋮ | <b>make procurement rules less prone to anti-competitive practices</b> (e.g. wider use of digital tools to facilitate transparency)   |

## Green, social and innovative public procurement

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

*Use drag&drop or the up/down buttons to change the order or accept the initial order.*

|   |   |
|---|---|
| ⋮ | <b>avoid additional administrative burden</b> (e.g. limited rules on social and green conditionalities and associated administrative and evidence requirements for companies and public buyers) |
|   |   |

- ⋮ **facilitate purchases of innovative solutions** (e.g. simplifying innovation partnerships, easing access to public procurement for startups)
- ⋮ **prioritise competition and price savings** (e.g. by avoiding ambitious green and social requirements)
- ⋮ **make procurement rules less detailed** (e.g. focus on high-level concepts, less rules defining procedural steps)
- ⋮ **prioritise quality over price when seeking value for money** (e.g. wider use of the of best pricequality ratio to support strategic and sustainable procurement)
- ⋮ **facilitate SME participation** (e.g. division into lots, payment schemes including direct payments to subcontractors)
- ⋮ **facilitate environmentally friendly purchases** (e.g. facilitated use of ecolabels and standards, set targets for green public procurement)
- ⋮ **facilitate socially responsible purchases** (e.g. improved working conditions, social inclusion)

## Economic security and strategic autonomy

In view of the evaluation findings, please rank the importance of the proposed characteristics of the new public procurement legal framework in a decreasing order, starting with the most important:

The forthcoming revision should...

*Use drag&drop or the up/down buttons to change the order or accept the initial order.*

- ⋮ **make procurement rules more flexible** (e.g. more discretion given to public buyers)
- ⋮ **avoid additional administrative burden** (e.g. minimal rules on the extent to which *Made in Europe* requirements are met)
- ⋮ **make procurement rules less detailed** (e.g. focus on high-level concepts rather than detailed requirements on what products, services and works public buyers can purchase)
- ⋮ **give general preference to European industry, products and services** (*Made in Europe*) to support investment, growth and jobs in the EU
- ⋮ **prioritise competition and price savings** (e.g. by allowing unrestrained access to European markets to firms from outside Europe)
- ⋮ **give preference to European industry, products and services in sectors that are critical to EU economic security or of strategic importance** to secure Europe's independence
- ⋮ **make procurement rules less prone to litigation** (e.g. more detailed to avoid ambiguity in case of third countries access)

## Expert sections

\* The **following sections** deal with **more complex and technical aspects** of public procurement. If you have specialised knowledge or experience with procurement rules and procedures, you may want to respond to these questions. You can also choose not to respond to these questions. In either case, you will be invited to share any general comments you may have on the forthcoming revision of the EU public procurement directives before submitting your response to this public consultation.

- ☒ Yes, I want to proceed with responding to more complex and technical questions.
- ☐ No, I prefer to proceed without responding to more complex and technical questions.

## Simplification

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Despite attempts to **simplify procurement procedures** and make their use more flexible through the 2014 public procurement directives, the evaluation concluded that procedures are perceived as too complex and rigid for public buyers to achieve their public investment objectives effectively.

We are considering several measures to simplify public procurement procedures. Please assess the potential of each measure to simplify the process:

More **flexible** procedures:

|   | High<br>simplification<br>potential | Some<br>simplification<br>potential | No or<br>negligible<br>impact | Additional<br>complication<br>potential | High<br>complication<br>potential |
|---|-------------------------------------|-------------------------------------|-------------------------------|---|-----------------------------------|
| Simplify procedures for off-the shelf purchases (i.e. compliance only with basic principles, such as non-discrimination, transparency, and procedural fairness) | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Allow corrections of procurement documents throughout the procedure   | <input checked="" type="radio"/>    | <input type="radio"/>               | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Allow negotiations throughout the procurement procedure   | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Increase flexibility in contract modifications (e.g. revising the duration, price changes)  | <input checked="" type="radio"/>    | <input type="radio"/>               | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Facilitate dialogue with the market   | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |

### Facilitate **joint procurement**:

|  | High<br>simplification<br>potential | Some<br>simplification<br>potential | No or<br>negligible<br>impact    | Additional<br>complication<br>potential | High<br>complication<br>potential |
|--|-------------------------------------|-------------------------------------|----------------------------------|---|-----------------------------------|
| Facilitate networking among buyers (e.g., forming buyer groups or communities of practice) | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>            | <input type="radio"/>                   | <input type="radio"/>             |
| Enhance the role of Central Purchasing Bodies  | <input type="radio"/>               | <input type="radio"/>               | <input checked="" type="radio"/> | <input type="radio"/>                   | <input type="radio"/>             |
| Simplify rules for setting up joint procurements, especially across borders                | <input checked="" type="radio"/>    | <input type="radio"/>               | <input type="radio"/>            | <input type="radio"/>                   | <input type="radio"/>             |
| Increase flexibility in setting the duration of framework agreements                       | <input checked="" type="radio"/>    | <input type="radio"/>               | <input type="radio"/>            | <input type="radio"/>                   | <input type="radio"/>             |

Improve **information exchange** and **procedural time-limits**:

|   | High<br>simplification<br>potential | Some<br>simplification<br>potential | No or<br>negligible<br>impact | Additional<br>complication<br>potential | High<br>complication<br>potential |
|---|-------------------------------------|-------------------------------------|-------------------------------|---|-----------------------------------|
| Allow re-use of documentation submitted by bidders (once-only principle)                  | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Increase time limits for submission   | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Set time limits for evaluating bids   | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>         | <input checked="" type="radio"/>        | <input type="radio"/>             |
| Provide model contract templates and technical specifications templates for public buyers | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>         | <input checked="" type="radio"/>        | <input type="radio"/>             |
| Establish a central EU procurement platform and enhance digitisation                      | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>         | <input checked="" type="radio"/>        | <input type="radio"/>             |

Support **small and medium-sized enterprises** (SMEs):

|   | High<br>simplification<br>potential | Some<br>simplification<br>potential | No or<br>negligible<br>impact | Additional<br>complication<br>potential | High<br>complication<br>potential |
|---|-------------------------------------|-------------------------------------|-------------------------------|---|-----------------------------------|
| EU-level targets for SMEs participation in public procurement | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>         | <input checked="" type="radio"/>        | <input type="radio"/>             |
| Simplify rules for forming consortia, especially for SMEs     | <input type="radio"/>               | <input checked="" type="radio"/>    | <input type="radio"/>         | <input type="radio"/>                   | <input type="radio"/>             |
| Encourage dividing contracts into smaller lots                | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>         | <input type="radio"/>                   | <input checked="" type="radio"/>  |

Improve **implementation** and contract management:

|   | High<br>simplification<br>potential | Some<br>simplification<br>potential | No or<br>negligible<br>impact    | Additional<br>complication<br>potential | High<br>complication<br>potential |
|---|-------------------------------------|-------------------------------------|----------------------------------|---|-----------------------------------|
| Establish rules for the post-award phase, including contract implementation | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>            | <input type="radio"/>                   | <input checked="" type="radio"/>  |
| Increase use of pre-financing, especially for SMEs                          | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>            | <input type="radio"/>                   | <input checked="" type="radio"/>  |
| Speed up payments to contractors, especially SMEs                           | <input type="radio"/>               | <input type="radio"/>               | <input type="radio"/>            | <input checked="" type="radio"/>        | <input type="radio"/>             |
| Establish rules for direct payments to subcontractors, especially SMEs      | <input type="radio"/>               | <input type="radio"/>               | <input checked="" type="radio"/> | <input type="radio"/>                   | <input type="radio"/>             |



If you wish, you may provide more information on ways to simplify procurement procedures:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

Challenges arise from market imbalances not tendering rules. Flexibility should focus on market-responsive measures that preserve competition, value for money and support SME participation incl. more flexible award criteria, justified tender changes, higher value thresholds and flexible multi-party frameworks. Greater discretion should allow awarding SME contracts or framework places even when not financially advantageous. Supplier participation should be simplified and negotiated procedures without prior publication allowed in urgent situations. Short-term contracts outside frameworks should be permitted when framework suppliers cannot meet demand, with practical contract terms and payments. Inefficiencies also stem from poor information exchange and rigid deadlines. Solutions include standard framework templates, recognition of equivalent documentation across Member States and shared digital systems enabling document reuse to reduce administrative burden and streamline procedures.

## Simplification - impacts

How likely do you believe the following outcomes would occur if the **proposed simplification measures** were implemented?

|   | Very likely           | Somewhat likely                  | No impact             | Somewhat unlikely     | Very unlikely                    |
|---|-----------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| Reduced cost for bidders to participate in public procurement | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Less corruption   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Increased number of bidders                                   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| More competition  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Reduced price of goods /services/works                        | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased legal certainty                                     | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Reduced litigation  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased bidding by EU-based firms                           | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased SME participation                                   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Reduced cost for public buyers to conduct public procurement  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |

|  |                       |                                  |                       |                                  |                       |
|--|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| Increased cross-border bidding within the EU | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Increased buying power of public buyers      | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Faster procurement processes                 | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

## Coherence between general rules applicable to all sectors and sectoral rules

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The current legislative framework define general rules regulating the procedures of public procurement. They include horizontal general rules on “how to buy”, which are applicable to all buyers and sectors. The evaluation showed that the introduction of public procurement provisions in other sectoral legal acts on both “how to buy” and “what to buy” led to a fragmentation of the regulatory framework causing concerns over legal coherence and applicability.

Should existing **sectoral rules (\*)** be integrated with the new legislative framework?

\*Examples of sector-specific EU legislation relating to public procurement the Net-Zero Industry Act or Clean Vehicles Directive

### A) **EXISTING** SECTORAL LEGISLATION

- ☒ Existing “**how and what to buy**” legal provisions in sectoral acts **should be integrated** in the general legislative framework and be removed from sectoral acts.

- ☒ Only existing **"how to buy"** legal provisions in sectoral acts **should be integrated** in the general legislative framework and be removed from sectoral acts. Existing **"what to buy"** legal provisions **should NOT be integrated** in the general legislative framework, they would remain in various sectoral acts and be amended therein to ensure coherence where required.
- ☐ Existing **"how and what to buy"** legal provisions in sectoral acts **should NOT be integrated** in the general legislative framework. Any conflicting or incoherent provisions in sectoral acts would be removed.
- ☐ Other:

#### B) FUTURE SECTORAL LEGISLATION

- ☐ Future **"how and what to buy"** requirements **should be integrated** in the general legislative framework.
- ☒ Only future **"how to buy"** requirements **should be integrated** in the general legislative framework. Future **"what to buy"** requirements **should NOT be integrated** in the general legislative framework – they should continue to be included separately in sector-specific legislation.
- ☐ Future **"how and what to buy"** legal provisions in sectoral acts **should NOT be integrated** in the general legislative framework.
- ☐ Other:

Future **"what to buy"** requirements should be subject to a common rules defined in the general legislative framework to avoid conflicts or incoherencies (e.g. the new general legislative framework should foresee mechanisms and templates for harmonised legislation ensuring coherence of "what to buy" requirements contained in sector-specific rules with the general legislative framework).

- ☐ Yes
- ☒ No

## Concessions

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The evaluation concluded that, although the EU Concessions Directive helped to harmonise procurement laws across Member States, significant inconsistencies remain. Different legal concepts are still interpreted differently across countries and sectors leading to fragmented legal frameworks. This often results in misunderstandings about applicable rules and definitions, affecting both public buyers and bidders.

## Which of the following concepts require modification?

Select all that apply:

- ☐ Definition of “concessions” and “operating risk” for a more consistent application of the general legislative framework and interpretation of financial, operational, regulatory, and market risks in a concession contract (Article 5)
- ☐ Rules on duration (e.g. include considerations of other elements such as technical, environmental, innovation, social, labour, etc.) (Article 18)
- ☐ Publication and transparency requirements (e.g. public buyers to publish the intent to award a concession at least one year in advance, with exceptions for emergencies, to give more time to the bidders) (Articles 30-37)
- ☐ Additional rules on the execution of the contracts (e.g. monitoring of the contract, verification of compliance with objectives, possibility of adapting to unforeseen needs through modifications of contracts, termination, etc.)
- ☐ Other:

## Concessions - impacts

How likely do you believe the following outcomes would occur if the proposed concepts and rules on concessions were modified?

|   | Very likely           | Somewhat likely       | No impact             | Somewhat unlikely     | Very unlikely         |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Increased SME participation                                   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increased buying power of public buyers                       | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| More competition  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Faster procurement processes                                  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reduced cost for bidders to participate in public procurement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Less corruption   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

|  |                       |                       |                       |                       |                       |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Reduced cost for public buyers to conduct public procurement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increased bidding by EU-based firms                          | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increased cross-border bidding within the EU                 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reduced price of goods /services/works                       | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increased number of bidders                                  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increased legal certainty                                    | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reduced litigation   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

## Digitalisation and transparency

The evaluation revealed that, while transparency has improved, persistent data gaps and quality issues, both at the EU and national levels, continue to undermine effective governance, strategic decision-making, and anti-corruption efforts. Additionally, the fragmentation of eProcurement services across the EU creates a burden on bidders and hinders cross border procurement.

Would you support the creation of a digital public procurement marketplace with a single-entry point for economic operators to public procurement procedures?

- ☐ No, the current environment of eProcurement services is appropriate.
- ☐ Yes, by interconnecting all existing Member States' eProcurement services. Economic operators could use any compatible service as a single point of entry to participate in public procurement procedures across the EU.
- ☒ Yes, by interconnecting all existing Member States' eProcurement services, and providing a central eProcurement service. Economic operators could use the

central eProcurement service or any Member State compatible service as a single point of entry to participate in public procurement procedures across the EU.

- ☐ Yes, by replacing all existing Member States' eProcurement services with one central EU eProcurement service.
- ☐ No opinion.

What functionalities should the eProcurement services include?

Select all that apply:

- ☒ Access to procurement procedures **above EU thresholds** together with related procurement documents.
- ☒ Access to procurement procedures **below EU thresholds** together with related procurement documents.
- ☒ Submission of offers from economic operators.
- ☒ Access for public buyers to authentic, up-to-date information about participating economic operators on exclusion grounds (e.g., criminal convictions, bankruptcy, professional misconduct) and selection criteria (e.g. financial capacity, technical ability).
- ☐ Publication of complaints and review decisions.
- ☐ Publication of information about the completion of contracts.
- ☐ Declaration of inclusion of green, social, innovation, or *Made in Europe* aspects.
- ☐ Free access to a library of standardised procurement documents, such as technical specifications or contract templates at least to public authorities.
- ☒ Helpdesk, trainings and capacity building for SMEs.
- ☒ Other:

Please describe any additional functionalities you would like to see introduced:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

The most useful proposal is to provide a digital solution to provide access for public buyers to authentic, up-to-date information about participating economic operators on exclusion grounds (e.g., criminal convictions, bankruptcy, professional misconduct) and selection criteria (e.g. financial capacity, technical ability).

## Digitalisation and transparency - impacts

How likely do you believe the following outcomes would occur if such a digital public procurement marketplace is set up?

|   | Very likely           | Somewhat likely                  | No impact             | Somewhat unlikely                | Very unlikely         |
|---|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| In case of one central eProcurement system: higher risk of cyber-attacks/security breaches  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Faster exchange of documents and information (including company evidence)   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Increased transparency to prevent irregular practices   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| In case of one central eProcurement system: higher risk of cyber-attacks/security breaches  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| In case of one central eProcurement system: higher risks of stopping all public procurement procedures in the EU if the system fails (IT failure) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Higher number of offers received  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Reduced litigation  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Wider range of procurement procedures available to economic operators (especially for SMEs)   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| More harmonisation of tender requirements across Member States and emergence of best practices  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
|   |                       |                                  |                       |                                  |                       |

|  |                       |                                  |                       |                       |                       |
|--|-----------------------|----------------------------------|-----------------------|-----------------------|-----------------------|
| Wider access to cross-border procurement procedures in the single market (especially for SMEs) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reduced cost for economic operators to participate in procurement procedures                   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reduced cost for public buyers to conduct procurement procedures                               | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

Other likely risks include remaining legal fragmentation and national special regulations, the need for costly IT integration and extensive training, ongoing language barriers from non-English documentation, and reduced flexibility for urgent or customised purchases.

The development of a centralized procurement platform would not address the key issues facing grid development (long lead times especially due to permitting procedures, tensions in production capacity due to demand expected to increase much faster than production capacity) but instead could worsen them by adding layers of significant complexity and therefore increasing times and costs, for an economic benefit to be demonstrated.

## Made in Europe

Since the adoption of the 2014 public procurement directives, new priorities such as **economic security** and **strategic autonomy** have emerged. Imbalances in international market access persist and are accentuated by recent geopolitical developments.

Should European goods and services be prioritised in the procurement process?

- ☐ Yes
- ☒ No

### Made in Europe - impacts

How likely do you believe the following outcomes would occur if **any type of prioritisation of European products and services** was to be implemented?

|  | Very likely | Somewhat likely | No impact | Somewhat unlikely | Very unlikely |
|--|-------------|-----------------|-----------|-------------------|---------------|
|  |             |                 |           |                   |               |



|   |                                  |                                  |                                  |                                  |                       |
|---|----------------------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
| Retaliation by 3rd countries<br>(exclusion of EU companies<br>from their procurement)         | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Reduced litigation  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Meeting environmental goals<br>(e.g. shortening supply<br>chains, carbon footprint)           | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Better quality of products<br>/services/works   | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> |
| Boost EU employment   | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Increase security of supply   | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Boost EU innovation   | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> |
| Lower number of bids<br>received  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Increased chance of winning<br>for EU bidders   | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Increase in price of goods<br>and services purchased  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Boost investments levels in<br>the EU (e.g.<br>reindustrialisation,<br>reshoring, more FDI)   | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| EU economic operators<br>could have to adjust their<br>supply chains to be able to<br>bid     | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Increased administrative<br>cost for EU bidders due to<br>additional documents or<br>evidence | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| Easier access to<br>procurement for EU SMEs   | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| Increase in administrative<br>cost (verification if<br>conditions are met)                    | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

EU-preference in procurement could distort the market in situations where there is currently insufficient European supply to meet the existing demand. This would result in shortages, longer lead times, higher prices, and reduced market power for small DSOs. This proposal is not an effective way to increase EU manufacturing in the short or medium term and would risk missing the EU Net Zero targets due to insufficient grid capacity.

# Green, social and public procurement of innovation - BPQR

The 2014 public procurement reform sought to encourage the uptake of green, social and innovation aspects in public procurement, supporting broader EU policy goals. Public buyers can decide to introduce such quality considerations (green, social, innovation) at different stages of the procurement process and through different means (e.g. via award criteria, or technical specifications). However, the evaluation concluded that public buyers do not systematically make use of these possibilities.

## Best price-quality ratio

The “most economically advantageous tender” (MEAT) can be identified on the basis of price or cost effectiveness only, or can include quality considerations by using the best price-quality ratio (BPQR).

Should EU law require public buyers to include minimum quality requirements in **technical specifications**, subject to a comply-or-explain mechanism?

- ☐ Yes
- ☒ No

Should any change be made to the current contract **award criteria** practice based on the “most economically advantageous tender” (MEAT)?

- ☐ Yes
- ☐ No

How likely do you believe the following outcomes would occur if the future general legislative framework incentivised BPQR?

|  | Very likely           | Somewhat likely       | No impact                        | Somewhat unlikely     | Very unlikely         |
|--|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| Higher chances of winning for EU firms | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| More reshoring,<br>reindustrialisation of the EU,<br>more FDI in the EU                    |  |  |  |  |  |
| Higher price of goods/services<br>/works purchased   |  |  |  |  |  |
| Reduced number of bids<br>received   |  |  |  |  |  |
| Increased administrative cost<br>for public buyers (verification<br>if conditions are met) |  |  |  |  |  |
| Achievement of strategic<br>policy goals (e.g.<br>environmental, social,<br>innovation)    |  |  |  |  |  |
| Increased security of supply   |  |  |  |  |  |
| Wider access to cross border<br>procurement (especially for<br>SMEs)                       |  |  |  |  |  |
| Boost to EU innovation   |  |  |  |  |  |
| Better quality of products<br>/services/works  |  |  |  |  |  |
| Higher costs for EU bidders<br>(additional environmental<br>/social elements)              |  |  |  |  |  |
| Increased efforts for bidders<br>to adjust their supply chains<br>to be able to bid        |  |  |  |  |  |
| Reduced litigation   |  |  |  |  |  |
| Improved working conditions  |  |  |  |  |  |

## Green public procurement

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Regarding green public procurement, the evaluation concluded that environmental aspects are incorporated into approximately 25% of contracts across the EU. However, the level of adoption differs significantly among Member States.

To what extent do you agree with the following statements on green/environmentally friendly public procurement?

|   | Strongly agree        | Agree                            | Neutral               | Disagree                         | Strongly disagree     |
|---|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| 1. No amendments are required to the existing legal framework regarding environmental provisions, including both the general legislative framework and public procurement provisions in sectoral legislation. | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. The general legislative framework should further incentivise the use of green public procurement.  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| 3. EU public procurement law should mandate further green public procurement obligations.   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

You "agree" or "strongly agree" with point 2 above. Which of the following elements should be introduced to further incentivise the use of green public procurement?

Select all that apply:

- ☒ EU law should provide a clear legal definition of green public procurement to facilitate its consistent implementation and improve policymaking.
- ☒ Non-binding targets for green public procurement should be set at the EU and Member State levels, together with accompanying strategies or plans to ensure their achievement.
- ☒ EU law should make the use of environmental labels easier to apply and more effective so as to support public purchasing of green solutions.
- ☒ The use of green public procurement should be supported by standards to facilitate the work of public buyers.
- ☒ EU rules on green public procurement should be kept in sectorial acts but be made more consistent and coherent across sectorial acts.
- ☐ The link to the subject matter principle should be softened, to allow the possibility to take into account companies' overall environmental policies (such as due diligence).
- ☐ EU law should facilitate the prioritisation by public buyers of short supply chains in the public procurement of food.
- ☒ Other:

## Please specify:

Text of 5 to 1000 characters will be accepted

Text of 5 to 300 characters will be accepted

EU rules on green public procurement should not be based on a “one-size-fits-all” approach and should instead provide principles for contracting authorities to apply on a case-by-case basis, allowing them to determine the most appropriate methodology. Rules on green public procurement that create artificial restrictions, delays, or significantly higher costs for the delivery of DSO grid plans supporting Net-Zero targets should not be adopted. The requirement for a clear link between procurement criteria and the subject matter of the contract must be maintained, as it is a core principle of EU public procurement. Similarly, proposals to make currently optional exclusion grounds mandatory are overly restrictive. Companies should have the opportunity to rectify any environmental obligations before exclusion is considered, as this is the best way to work with the market to get the required changes.

## Green public procurement - impacts

How likely do you believe the following outcomes would occur as a result of further **incentivising** the use of green public procurement?

|  | Very likely           | Somewhat likely                  | No impact                        | Somewhat unlikely                | Very unlikely                    |
|--|-----------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Increased costs for EU bidders                             | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Boost EU innovation  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Boost EU employment  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Increased administrative burden for public buyers          | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Higher administrative burden for EU bidders                | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Increased prices of products / services / works            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            |
| Higher SME participation                                   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Reduced competition  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Easier access to cross border procurement within the EU    | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Reduced litigation   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
|  |                       |                                  |                                  |                                  |                                  |

|   |                       |                                  |                       |                       |                                  |
|---|-----------------------|----------------------------------|-----------------------|-----------------------|----------------------------------|
| Achievement of environmental policy goals     | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Better quality of products / services / works | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

How likely do you believe the following outcomes would occur as a result of **mandating** further green public procurement obligations?

|  | Very likely                      | Somewhat likely                  | No impact                        | Somewhat unlikely                | Very unlikely                    |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Higher administrative burden for EU bidders                | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            |
| Increased administrative burden for public buyers          | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Higher SME participation                                   | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Achievement of environmental policy goals                  | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Easier access to cross border procurement within the EU    | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Reduced competition  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Increased costs for EU bidders                             | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| Better quality of products / services / works              | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| Reduced litigation   | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| Boost EU employment  | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |

|  |                                  |                       |                       |                       |                                  |
|--|----------------------------------|-----------------------|-----------------------|-----------------------|----------------------------------|
| Increased prices of products<br>/ services / works | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Boost EU innovation                                | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

The intro of new mandatory criteria in public procurement to address strategic challenges should be avoided. Such criteria risk exacerbating existing issues, creating artificial restrictions, delays, or higher costs, and could hinder the delivery of European Net-Zero objectives through DSO grid development plans. Furthermore, new mandatory social, sustainability, or resilience criteria could further reduce competition and significantly increase costs. Consideration of environmentally friendly, social and innovative aspects in procurement should continue to be voluntary. The diversity of markets makes such regulations difficult, and rebuts a “one-size-fits-all” approach to the imposition of green public procurement principle for contracting authorities. Current rules already allow public contracting authorities discretion to decide on a case-by-case basis, whether and to what extent to include sustainable, ecological, social, innovative or other criteria in their procurement processes.

## Social considerations in public procurement

The evaluation concluded that, although it is difficult to estimate the uptake of socially responsible public procurement practices, this has been gaining traction in recent years even if adoption among Member States remains uneven.

To what extent do you agree with the following statements concerning socially responsible public procurement?

|  | Strongly agree        | Agree                            | Neutral                          | Disagree                         | Strongly disagree     |
|--|-----------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
| 1. No amendments are required to the existing legal framework regarding social provisions.                       | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> |
| 2. EU public procurement law should further incentivise the use of socially responsible public procurement.      | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| 3. The general legislative framework should mandate further socially responsible public procurement obligations. | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> |

### Social considerations in public procurement - impacts

How likely do you believe the following outcomes would occur as a result of further **incentivising** the use of socially responsible public procurement?

|  | Very likely           | Somewhat likely                  | No impact                        | Somewhat unlikely     | Very unlikely                    |
|--|-----------------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|
| Make cross-border participation more difficult             | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Reduced competition  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Better quality of products / services / works              | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Poverty reduction and increased social inclusion           | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Reduced litigation   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Improved working conditions                                | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Boost EU employment  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased costs for EU bidders                             | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Increased prices of products / services / works            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Reduced risk of labour and social law breaches             | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Boost EU industry  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Higher SME participation                                   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased administrative burden for public buyers          | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Higher administrative burden for EU bidders                | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted



How likely do you believe the following outcomes would occur as a result of **mandating** further socially responsible public procurement obligations?

|  | Very likely                      | Somewhat likely       | No impact                        | Somewhat unlikely     | Very unlikely                    |
|--|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Increased administrative burden for public buyers          | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Boost EU industry  | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Make cross-border participation more difficult             | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Improved working conditions                                | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Higher administrative burden for EU bidders                | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Boost EU employment  | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Higher SME participation                                   | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Reduced competition  | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Increased costs for EU bidders                             | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Better quality of products / services / works              | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Poverty reduction and increased social inclusion           | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Reduced risk of labour and social law breaches             | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased prices of products / services / works            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Reduced litigation   | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

## Public procurement of innovation

Regarding public procurement of innovation, the evaluation concluded that its uptake remains very low across Member States, representing a marginal share of the total public procurement value and volume, despite its potential to stimulate innovation.

To what extent do you agree with the following statements concerning public procurement of innovation?

|   | Strongly agree        | Agree                            | Neutral               | Disagree                         | Strongly disagree     |
|---|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| 1. No amendments are required to the existing legal framework regarding the public procurement of innovation. | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| 2. EU public procurement law should further <b>incentivise</b> the public procurement of innovation.          | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> |
| 3. EU public procurement law should <b>mandate</b> the public procurement of innovation requirements.         | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

You "agree" or "strongly agree" with point 2 above. Which of the following elements should be introduced to further incentivise the use of public procurement of innovation?

- ☒ EU law should provide a clear legal definition of public procurement of innovation.
- ☐ EU law should simplify and remove legal conditions to facilitate the use of procurement procedures designed to buy innovative solutions, such as innovation partnerships or competitive dialogue.
- ☒ Public buyers should be able to directly buy innovative solutions from start-ups more easily through the creation of a specific procedure.
- ☐ A comply or explain mechanism should be introduced to promote the use of preliminary market consultations when buying innovative solutions, to limit excessive financial guarantees, or to enable suppliers to retain Intellectual Property Rights.
- ☐

The Commission should promote value engineering in relation to the public procurement of innovation.

- ☐ Non-binding targets for public procurement of innovation should be set at EU and Member State levels with accompanying strategies or plans to ensure their achievement.
- ☐ The Commission should promote the aggregation of demand in case of similar needs among public buyers (e.g. collaborative procurement by multiple public buyers).
- ☐ The Commission should establish an EU platform in which all EU public sector innovation challenges are communicated to suppliers of innovative solutions, including start-ups and innovative SME's.
- ☒ Other:

Please specify:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

Harmonised EU-level guidance, standard legal templates and clearer procedures for innovation partnerships would promote wider use of innovation procurement, reduce legal uncertainty and strengthen DSOs capacity. Peer exchange, access to best-practice cases, a dedicated marketplace and simplified tendering for emerging technologies and insurance to reduce supplier risk would guarantee innovative suppliers and facilitate procurement of innovative solutions. Current rules limit DSOs ability to scale innovation, by restricting negotiated procedures without prior publication to research or small-scale testing. Greater flexibility to award follow-up contracts for successful pilots with appropriate safeguards (transparent success criteria, documented market consultation and proportionality checks), with broader innovation partnership definitions and fewer procedural constraints, such as fixed award criteria in competitive dialogue, would accelerate innovation and support the energy transition.

## Public procurement of innovation - impacts

How likely do you believe the following outcomes would occur as a result of **incentivising** public procurement of innovation?

|   | Very likely           | Somewhat likely       | No impact                        | Somewhat unlikely     | Very unlikely                    |
|---|-----------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|
| Better quality of products / services / works   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Reduced competition                             | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Increased prices of products / services / works | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |

|  |                       |                                  |                                  |                       |                                  |
|--|-----------------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|
| Increased costs for EU bidders                             | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Reduced litigation   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Boost EU employment  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Higher administrative burden for EU bidders                | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Increased administrative burden for public buyers          | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Boost EU innovation  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Easier access to cross border procurement within the EU    | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Boost EU industry  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Higher SME participation                                   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

How likely do you believe the following outcomes would occur as a result of **mandating** public procurement of innovation?

|  | Very likely                      | Somewhat likely       | No impact                        | Somewhat unlikely     | Very unlikely                    |
|--|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|
| Reduced competition  | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Easier access to cross border procurement within the EU    | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Increased chance of winning calls for tender by EU bidders | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Boost EU employment  | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Better quality of products / services / works              | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |

|   |                                  |                       |                                  |                       |                                  |
|---|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|
| Increased costs for EU bidders                    | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Higher administrative burden for EU bidders       | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Boost EU innovation                               | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Increased prices of products / services / works   | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |
| Reduced litigation                                | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| Boost EU industry                                 | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Higher SME participation                          | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| Increased administrative burden for public buyers | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/>            |

If you wish, you may indicate any other likely impacts below:

*Text of 5 to 1000 characters will be accepted*

Text of 5 to 300 characters will be accepted

## Final comments

Would you like to make any additional comments or provide further information relevant for the revision of the EU public procurement legal framework, including on the impacts of policy choices (e.g. quantify impact in terms of costs and benefits)?

*Text of 5 to 3000 characters will be accepted*

For DSOs, the key changes required to ensure timely delivery of our grid development plans, and thereby support the EU's Net Zero objectives, are greater flexibility in tendering processes and in the operation of frameworks. This would enable markets to expand and develop, ensuring the availability of necessary goods and services within reasonable lead times and at affordable costs for ultimate consumers.

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## **Contact**

GROW-D2@ec.europa.eu

## **Annex to DSO Entity's response to the European Commission (EC) Public Consultation on the revision of the Public Procurement Framework**

DSO Entity welcomes the opportunity to contribute to the European Commission's public consultation on public procurement in the Single Market. Distribution System Operators (DSOs) are key actors in the energy transition, responsible for operating, maintaining and developing electricity distribution networks that are increasingly digitalised, decarbonised and decentralised.

While the consultation questionnaire allows DSO Entity to express its views at a high level, its format does not allow sufficient space to fully reflect the specificities, challenges and needs of DSOs when applying EU public procurement rules. This annex therefore aims to complement DSO Entity's formal responses by:

- providing additional evidence and explanations based on the collective experience of European DSOs;
- highlighting issues that are of particular relevance for network operators and not sufficiently underlined in the questionnaire; and
- putting forward targeted recommendations for the revision of the EU public procurement framework, with a view to supporting the energy transition, innovation and security of supply, while ensuring value for money and legal certainty.

### **Executive summary**

- **Focus to remain on the objective of the Procurement Directives:** EU procurement cannot serve as a tool to achieve non-related objectives, such as geopolitical strategic autonomy, decarbonisation, better working conditions, etc.
- **Simplification to serve its purpose of removing administrative burdens:** Simplification measures must reflect the operational reality of complex, technical and highly regulated procurement; several impacts attributed to the proposed measures (e.g. increased EU participation, lower prices, reduced litigation) are unrealistic and unlikely to materialise for DSOs.
- **Careful design of central platforms:** Digitalisation and any EU-level procurement platform should reduce administrative burden through full interoperability with existing national systems; otherwise, they risk increasing complexity rather than shortening procedures.
- **Realistic approach to equipment sourcing for grid development:** Procurement procedures must preserve flexibility to source equipment both within and outside Europe, while focusing on incentives that encourage manufacturers to supply the European market rather than imposing obligations on contracting entities.
- **New regulations should be based on need:** The existing award framework based on the most economically advantageous tender (MEAT) is fit for purpose and already allows the integration of environmental, social and innovation considerations where relevant.
- **Long-term procurement resilience:** Additional flexibility, rather than new obligations, is needed to reflect the diversity of procurements, which could be achieved by explicitly recognising the most advantageous tender (MAT) as an optional award criterion.
- **Utilities Directive to remain a distinct framework and dedicated procurement regime:** DSO Entity supports maintaining the Utilities Directive as a distinct procurement framework, as it provides essential procedural flexibility, in particular through the use of negotiated procedures and qualification systems, which are essential tools for the execution of technically complex procurements and are extensively relied upon by DSOs. Nevertheless, certain provisions of the Directive would benefit from further attention and targeted adjustments in order to better facilitate and enhance flexibility in the current context.

### **Section 2 – Simplification:**

Under the objective of simplifying procurement processes within the EU, in particular with regard to improving information exchange and procedural time-limits, DSO Entity recognises that, while a central EU procurement platform and increased digitalization could, in principle, deliver efficiency gains and improve information exchange, there is also a significant risk of additional complexity if such tools are not carefully designed and aligned with existing national systems. Much of the information currently requested from bidders already exists in public registers, and any EU platform should therefore focus on enabling contracting authorities to retrieve this information directly through interoperable, user-friendly and free access to core company data. Without this

level of interoperability and simplification, the introduction of a central platform could lead to additional administrative burdens rather than reduced procedural time-limits.

Furthermore, DSO Entity underlines that simplified and more efficient procurement rules, including the introduction of centralised procurement systems, will not in themselves address structural challenges such as limited production capacity, supplier attractiveness or persistent demand–supply imbalances in strategic markets. As a result, simplification measures should not be assumed to automatically generate broader market effects beyond procedural efficiency.

In parallel, DSO Entity considers that existing procurement frameworks, and in particular multi-party framework agreements, should allow for greater flexibility in the application of award criteria over their lifetime. This would enable contracting authorities to award contracts to new suppliers, supporting the progressive development of their expertise, and/or to distribute volumes across several suppliers in order to maintain multiple supply chains. Such flexibility is considered essential from a long-term resilience perspective, rather than solely from a short-term efficiency or cost-optimisation standpoint.

Additionally, DSO Entity wishes to clarify its assessment of certain potential impacts presented in the simplification section of the consultation, notably those relating to increased participation of EU-based bidders, lower prices for goods, services and works, and reduction in litigation. Some of the impacts associated with the proposed simplification measures imply outcomes that are unrealistic for complex, technical and highly regulated procurement procedures. In particular, simplification alone is unlikely to influence the geographic origin of bidders, pricing levels or litigation risks where these are driven by market structure, capacity constraints and regulatory requirements rather than by procedural design. For this reason, DSO Entity has selected “very unlikely” in relation to these statements, to indicate that such impacts are considered impossible to achieve in practice and that no material change is expected for DSOs, even if the proposed simplification measures were to be implemented.

#### **Section 6 – Made in Europe:**

European grid operators already procure most grid technologies from manufacturers located in Europe. While DSO Entity would in general support a “made in Europe” approach, the introduction of such principle, particularly if made mandatory, would not address the growing gap between demand and European manufacturing capacity and might trigger negative repercussions for the timely delivery of the energy transition. Indeed, in practice, tender procedures often receive low participation from European suppliers, which already forces DSOs to turn to non-European manufacturers to secure essential equipment. Where in some cases, non-EU suppliers provide shorter delivery times, competitive quality and prices, and are more responsive to tenders for limited equipment volumes than their European counterparts. Under these conditions, mandatory requirements would risk producing unintended consequences, such as higher prices, reduced competition, and difficulties in accessing critical assets.

Therefore, procurement procedures must provide DSOs with the necessary freedom to decide what sourcing solutions are best suited to their operational, technical and timing needs and allowing system operators to source the equipment they need both within and outside Europe and should place greater emphasis on a “sell in Europe” approach, ensuring that European manufacturers prioritise supply to the European market, and that the revision of the procurement framework recognizes ongoing market realities.

Appropriate (economic) incentives are needed to encourage manufacturers to meet domestic demand, rather than placing compliance obligations solely on contracting entities. Mandatory restrictions introduced under current market conditions would risk rising product prices, restrain the availability of said product, and overall constrain DSOs’ ability to deliver on the grid development in the medium to long term, until European production capacity increases.

With regard to the exclusion of bidders from third countries, DSO Entity recognises that DSOs are increasingly attentive to the security and resilience of their grids, particularly in relation to potential foreign influence or threats when procuring strategic and critical equipment. Procurement teams are already fully aware of these considerations and integrate them, where relevant, into their procurement strategies and technical specifications. However, DSO Entity does not see a need to further mandate such exclusions through the procurement directives. While existing EU law already provides sufficient legal grounds to exclude bidders or



products where justified, introducing additional regulatory requirements could lead to unintended consequences, notably by limiting DSOs' access to essential equipment and affecting their ability to deploy grid infrastructure in line with their public service obligations. In this context, the freedom of DSOs to assess security, resilience and market conditions on a case-by-case basis is considered more effective than prescriptive regulatory measures.

Procurement procedures should preserve sufficient freedom for DSOs to choose between European and non-EU products based on objective operational needs to avoid hindering competition and tendering processes. In this context, DSO Entity replied negatively to the question on prioritising European goods and services, as it considers that any such prioritization cannot be underlined as the standalone solution to resolve the current constraints in grid equipment procurement and grid development.

#### **Section 7 – Green, social and public procurement of innovation:**

DSO Entity considers that no change should be made to the current contract award framework based on the “most economically advantageous tender” (MEAT). This criterion already allows contracting entities to integrate environmental, social and innovation-related considerations where relevant. Any additional requirements in this area should remain optional, as mandatory approaches cannot adequately reflect the diversity of system conditions and procurement needs in a highly dynamic market environment.

Contracting entities must retain the necessary discretion to tailor procurement approaches to the specific characteristics of the item being purchased, in order to avoid unnecessarily restricting competition. In practice, DSOs require sufficient flexibility in award criteria to remain effective across a wide range of procurements, from highly standardised equipment to complex and innovative solutions. DSOs should therefore retain discretion to select the award criterion that best fits the specific purchase, whether driven primarily by quality and sustainability considerations or by price.

Innovative procurement should be actively encouraged, as less mature technologies often require dedicated time and tailored procurement approaches to fully unlock their potential for the grid. This implies enabling DSOs to procure innovative solutions when a foreseeable short- or long-term benefit can be identified, notably in terms of procurement resilience, increased competitiveness and innovation stimulation.

To further support this approach, award criteria should allow sufficient leeway to prioritise long-term procurement resilience, particularly where long-term partnerships, SME participation or innovative solutions may not represent the most economical option in the short term but deliver clear long-term benefits. To this end, DSO Entity proposes that the regulatory framework explicitly recognises the “most advantageous tender” (MAT) as an additional, optional award criterion. This would complement MEAT and allow contracting entities to adapt procurement strategies to the nature of the contract.