

Second public consultation on revision of the EU Public Procurement Directives

CONSULTATION RESPONSE

January, 2026

Attachment to the second public consultation on revision of the EU Public Procurement Directives

Bellona welcomes the revision of the EU Public Procurement Directives as an opportunity to correct structural shortcomings identified in the evaluation of the 2014 framework, notably the continued dominance of price-only awards, uneven uptake of green and innovative procurement, *and fragmentation across Member States*.

Bellona's core position is that **public procurement should become a strategic demand-side tool, enabling lead markets for low-carbon and circular solutions while remaining legally robust, competition-friendly, and cost-effective.**

1. Overall objectives of the revised framework

Bellona agrees with the evaluation's conclusion that the objectives of the 2014 directives have only been partially met. In particular:

- voluntary uptake of sustainability criteria has proven insufficient;
- legal complexity and fragmentation hinder cross-border participation and lead market creation;
- public procurement remains poorly aligned with EU climate and industrial policy.

Bellona's priorities

1. Shift procurement **from price-only awards to a Best Price-Quality Ratio** approach, integrating mandatory environmental, social, and innovation criteria.
2. **Mandate minimum environmental and circularity requirements** for key products and services, supported by credible labels and life-cycle metrics.
3. **Increase efficiency and legal certainty** through demand aggregation, digitalisation, and standardised technical specifications.
4. **Use procurement to strengthen EU industrial resilience and strategic autonomy**, promoting low-carbon and sustainable production in key sectors.
5. **Align procurement with sectoral legislation** to enable zero-emission construction, bio-based materials, and renewable energy solutions.

6. **Improve transparency via digitalisation** to track sustainability, support cross-border participation, and facilitate evidence-based policy.

2. Improving efficiency, flexibility and transparency

Bellona supports reforms that simplify procedures and reduce administrative burden, **provided they reinforce sustainability outcomes.**

Key priorities

- **Aggregation of demand** (joint procurement, central purchasing bodies, framework agreements) is critical to create lead markets for low-carbon materials and innovative solutions.
- **Full digitalisation** and reuse of documentation (“once-only principle”) can reduce costs for both public buyers and bidders.
- **Standardised templates** for technical specifications and contract clauses (including environmental and circularity criteria) would increase legal certainty and reduce litigation.
- **Clear minimum requirements**, rather than excessive procedural discretion, are more likely to reduce disputes and compliance costs.

Bellona cautions against simplification approaches that rely solely on reducing the level of detail in the rules, as this risks reinforcing risk-averse, price-only procurement practices. Simplification should be understood as a clarification exercise, not a deregulation one.

3. Green, social and innovative public procurement

3.1 Green public procurement

Bellona strongly supports **mandating further green public procurement obligations** at EU level.

Voluntary approaches have failed to deliver scale: environmental aspects are included in only around 25% of contracts, with major disparities between Member States.

Bellona recommends:

- Mandatory **minimum environmental requirements** for key products, services and works, applied at different stages of the procurement process.

- Life-cycle based approaches, including **embedded GHG emissions** and resource efficiency.
- Progressive tightening of environmental thresholds over time, aligned with EU climate targets.

Public procurement of construction materials (cement, concrete, steel) is a clear example where such an approach can deliver substantial emissions reductions at very limited cost impact (**generally below 3–4% at project level**).

3.2 Circular economy and resource efficiency

Bellona strongly supports the explicit integration of **circular economy principles** into the revised procurement framework.

Procurement rules should enable and encourage material efficiency and durability, reuse and high-quality recycling, reduced generation of construction and demolition waste, substitution of primary materials with secondary materials where environmentally beneficial.

Practical examples already exist. In cities such as Berlin, construction tenders include evaluation criteria requiring bidders to specify how demolition waste or excavation materials will be reused, recycled or recovered. The revised directives should explicitly clarify that such circularity criteria are permissible and encouraged.

3.3 Best Price-Quality Ratio (BPQR) and MEAT

Bellona supports making **BPQR the standard award criterion**, subject to a comply-or-explain mechanism.

Specifically:

- EU law should require a **minimum mandatory weight for quality criteria**, including environmental and social aspects.
- Price-only awards should be explicitly discouraged or banned in sectors with high climate and social risks (e.g. construction, transport, low-skilled labour-intensive services).
- Large public buyers should be required to adopt procurement strategies aligned with BPQR objectives.

This approach increases legal certainty, rewards innovation and climate leadership, and better reflects true value for money. Some exceptions, such as in the case of lack of competition or high increase in lifecycle costs, may be considered.

3.4 Labels, standards and life-cycle metrics

Bellona supports wider and more systematic use of credible sustainability labels and standards in public procurement, provided that criteria are **science-based, relevant and publicly available**, rely on **independent third-party verification**, and allow for **equivalent certifications** to ensure interoperability and avoid market foreclosure or label proliferation.

The current Public Procurement Directive already permits contracting authorities to refer to labels in technical specifications, award criteria and contract performance clauses, provided that equivalent labels are accepted and the underlying requirements are objective and verifiable. In practice, however, this possibility remains underused due to legal uncertainty and lack of clear guidance. The revision of the Directives should therefore clarify and strengthen the legal basis for the use of environmental and climate-related labels, explicitly encouraging contracting authorities to rely on them as proof of compliance.

Greater use of labels can reduce administrative burden, improve comparability of bids across suppliers and materials, and enable procurement requirements in complex areas such as circularity, durability, recycled content and hazardous substance control, if assessed and selected correctly, which is no small task. Existing labels such as the EU Ecolabel, Oeko-Tex 100 or equivalent standards already support these objectives, but often only partially capture embedded greenhouse-gas emissions and have various scopes. EU-harmonised life-cycle carbon metrics and labels are essential to avoid market fragmentation and enhance comparability.

For strategic sectors, notably construction materials, vehicles and energy-using equipment, the revised framework should therefore encourage or mandate the use of Environmental Product Declarations (EPDs) or equivalent life-cycle carbon metrics, and support the development of EU-harmonised climate-performance labels or classes. In the **steel** sector, the forthcoming voluntary EU label under the **Industrial Accelerator Act** should be designed to function effectively across public procurement, taking into account the steel products most commonly used in infrastructure and buildings.

Bellona recommends that labels used in procurement be aligned with EU Green Public Procurement (GPP) criteria, expanded to include binding climate thresholds, and linked over time to CBAM, ETS benchmarks and future industrial decarbonisation standards, in order to enhance legal certainty and ensure coherence with EU climate and industrial policy objectives.

Below is an example of such a label, **proposed by Bellona** for the **cement** sector.

4. Economic security and strategic autonomy ("Made in Europe")

Bellona supports using public procurement to strengthen EU industrial resilience and accelerate clean industrial investment, but stresses that this should be achieved **in liaison with performance-based sustainability and climate criteria**.

Evidence from construction materials shows that public procurement can create powerful lead markets for low-carbon steel and cement when requirements are framed around measurable environmental performance. [An EU study](#) finds that shifting procurement toward low-emission materials could reduce sectoral emissions by around 20%, while increasing overall procurement costs by well below 1% in most scenarios. The [4i-TRACTION](#) project similarly concludes that industrial transformation is best driven by EU-wide product-level emissions or sustainability thresholds, progressively tightened over time to avoid market fragmentation.

Such performance-based criteria strongly favour EU producers that invest early in clean technologies, remain legally robust and WTO-compatible, and directly align procurement spending with EU climate and industrial objectives.

Bellona therefore recommends that the revised procurement rules encourage mandatory climate and resource-efficiency performance thresholds for key materials and products (e.g. steel, cement, chemicals, vehicles), including life-cycle greenhouse-gas intensity limits that tighten over time, complemented by EU-level instruments such as CBAM, product standards and industrial decarbonisation funding. This approach aligns with [calls from the BBBB coalition](#) for coherent procurement rules beyond lowest price, simpler EU-wide tracking of green public procurement, and continued support for public authorities in implementation.

5. Coherence with sectoral legislation

Bellona supports integrating “how to buy” rules into the horizontal procurement framework, with minimum requirements set horizontally, while keeping “what to buy” requirements primarily in sectoral legislation (such as Industrial Decarbonisation Accelerator Act, the Net-Zero Industry Act, the Construction Products Regulation, the Ecodesign for Sustainable Products Regulation, the Energy Performance of Buildings Directive, the Clean Vehicles Directive).

Together, these instruments can pool public demand and provide predictable investment signals to European industry, in line with strategic objectives. **The Directives’ revision should not, in any case, lower the ambition established in sectoral legislation.**

The revision of the Directives should also foresee where sectoral legislation is lacking, or not fit for purpose. Examples may be found below.

5.1. Public procurement of electricity

In the absence of a clear guidance in terms of the purchasing of electricity, below is a proposition on what might be considered.

Public authorities are major electricity consumers and increasingly seek long-term arrangements, including power purchase agreements (PPAs), to secure stable prices and match consumption needs. The revised procurement rules should:

- Clearly confirm that long-term electricity purchasing arrangements are permissible and low-risk;
- Provide model clauses or safe-harbour provisions for PPAs and other long-term contracts;
- Enable standardised risk-sharing arrangements.

Procurement should also better support electricity purchasing models that create local value, including:

- Citizen participation and community involvement;
- Engagement with energy communities and locally rooted suppliers;
- Wider local economic and social benefits, where these are specified and verifiable.

Where tenders claim “renewable” or “low-carbon” electricity, procurement rules should support simple, auditable integrity requirements, including:

- Temporal matching (with practical stepping-stones such as monthly matching, moving toward hourly);
- Geographic relevance (e.g. bidding zone or regional);
- Robust verification and traceability.

Additionality (*i.e. requirements for new low-carbon or renewable capacity to be deployed to satisfy the demand*) should not be a mandatory requirement for all electricity tenders, as it can be complex and disproportionate. However, procurement rules should enable optional higher-impact pathways, allowing contracting authorities to favour arrangements that support new renewable capacity or energy communities where aligned with local objectives

5.2. Zero-emission construction sites

Public procurement rules currently provide limited guidance and legal certainty on enabling contracting authorities to require **zero-emission construction sites** (ZECS) *i.e. worksites where all non-road mobile machinery and construction transport operate without direct fossil fuel emissions*. Construction activities are a major source of greenhouse gas emissions, local air pollution and noise in urban environments, and **transitioning to zero-emission operation** on sites represents a concrete way for public authorities to reduce emissions in the construction phase of infrastructure and buildings, as well as increasing health and wellbeing benefits for construction workers and citizens alike.

Zero-emission construction sites are a striking example of strategic procurement driving market transformation, such as in **the Netherlands**. Across Europe, a number of cities and collaborative initiatives are working to foster the uptake of zero-emission machinery in

construction projects through strategic procurement and policy engagement. Several EU municipalities have endorsed declarations of intent under European public procurement and climate initiatives, including through the Big Buyers initiative, hosted by DG GROW.

However, contracting authorities struggle to move to require zero-emission machinery in tenders due to:

- legal uncertainty regarding the permissibility of such requirements under the current procurement framework,
- concerns about proportionality and competition,
- limited guidance on how to define and verify zero-emission criteria,
- and perceived risks of legal challenge in the absence of clear EU-level standards and benchmarks.

To enable procurement to drive this transition, the revised directives should:

- **Clarify that contracting authorities may include operational emissions** from construction activities as permissible environmental criteria in technical specifications and award criteria, including requirements for zero-emission machinery and equipment where technically feasible and proportionate.
- **Encourage the development and use of harmonised EU-level benchmarks** and definitions for zero-emission construction operation to reduce legal uncertainty and facilitate comparability across tenders.
- Support phased and scalable approaches, enabling progressive requirements (e.g., increasing share of emission-free machinery over time) that reflect market maturity and equipment availability.
- **Promote early market engagement and capacity building**, enabling public buyers to engage with manufacturers, grid and energy suppliers, and contractors on the practical deployment of zero-emission solutions, including infrastructure needs for electrification or alternative energy supply.
- **Enable procurement to recognise and reward demonstrable local benefits**, such as reduced noise and air pollution around construction sites, alongside climate performance.

Stronger procurement guidance and legal certainty on ZECS criteria would empower public authorities throughout the EU to align construction site practices with climate targets, stimulate demand for clean construction technologies, and deliver broader environmental and public health benefits.

5.3 Public procurement of bio-based materials

Despite the EU's stated objective to phase out fossil-based materials and develop a sustainable bioeconomy, public procurement rules currently provide little guidance on how public authorities can actively create demand for bio-based products. This represents a missed opportunity to use public spending to support market creation for renewable, bio-based alternatives to oil-derived materials.

The EU Bioeconomy Strategy explicitly identifies public procurement as a key demand-side instrument to **accelerate the uptake of sustainable bio-based products**, reduce dependence on fossil resources, and stimulate innovation and value creation in European supply chains. If the EU is to effectively replace oil-based materials, **public procurement must play a more explicit role in creating early and stable markets for bio-based materials and products.**

Bellona therefore recommends that, where relevant and environmentally beneficial, **new public procurement of products should prioritise products based on renewable bioresources**, particularly in sectors where fossil-based alternatives currently dominate (e.g. construction materials, textiles, packaging, chemicals). Such an approach would provide predictable demand signals, support industrial scale-up, and reinforce the EU's climate, circular economy and bioeconomy objectives.

To ensure environmental integrity and avoid unintended impacts, procurement of bio-based products should be subject to documentable and verifiable environmental performance requirements. In particular:

- bio-based products should demonstrate their environmental footprint through harmonised methodologies, such as Product Environmental Footprint Category Rules (PEFCRs) or equivalent EU-level standards;
- requirements should cover relevant life-cycle impacts, including greenhouse-gas emissions, resource use, and sustainability of feedstocks;
- contracting authorities should be able to rely on standardised documentation and verification mechanisms to reduce administrative burden and legal risk.

Clarifying and strengthening the role of bio-based products in public procurement would help close an important policy gap, ensuring that procurement rules are fully aligned with the EU Bioeconomy Strategy and enabling public spending to actively support the transition away from fossil-based materials

6. Digitalisation and transparency

Bellona supports the creation of a **single-entry-point digital procurement ecosystem**, preferably by interconnecting existing national systems, rather than replacing them with a single central platform.

Key functionalities should include:

- access to procurement data above and below EU thresholds;
- publication of contract performance information;
- declaration and tracking of green, social and innovation criteria;
- access to standardised templates and guidance.

Improved data quality and transparency are essential to prevent corruption, monitor sustainability outcomes, and enable evidence-based policymaking.

Final comments

The revision of the EU Public Procurement Directives is a unique opportunity to transform public procurement from a transactional tool into a **cornerstone of EU climate, industrial and circular economy policy**.

Bellona remains at the disposal of the EU institutions to provide further evidence, technical expertise and practical insights in support of the revision of the EU Public Procurement Directives. We are ready to contribute to the impact assessment process and to engage constructively with the European Commission, the European Parliament and Member States to ensure that the revised framework enables public procurement to effectively support the EU's climate, industrial and circular economy objectives.

Contact:

Irene Domínguez Pérez

Policy Manager, Embodied Carbon & Lead Markets

irene@bellona.org