

Dear EVP Séjourné,

Dear EVP Ribera,

Dear Commissioner Hoekstra,

Dear Commissioner Dombrovskis,

Dear permanent representations,

Cc: Henning Ehrenstein, DG GROW

### **Statement: Securing a future-proof Public Procurement Act**

**Every day, more than 250,000 public buyers make decisions that determine how taxpayers' money is spent across critical sectors** – from construction to healthcare to food. Those decisions – representing EUR 2.5 trillion annually or 16% of EU's GDP – shape which products and technologies are rewarded across the Single Market.

Amid intensifying global competition and environmental challenges, public procurement can strengthen the bloc's competitiveness, promote resilient and responsible supply chains and accelerate the transition to a climate-neutral economy.

**That is why 51 organisations across industry, civil society, and public buyers are calling on the European Commission to put forward a Public Procurement Act that secures strategic, resilient and value-based procurement.**

**Procurement rules that currently predominantly award public contracts to the lowest-priced bid<sup>1</sup> are outdated and no longer sufficient to achieve Europe's strategic objectives<sup>2</sup>.** They risk locking in assets of poor quality that are harder to maintain and more expensive in the long run.

Strategic public procurement allows governments to deliver far greater resilience and competitiveness while accelerating decarbonisation and supporting Europe's clean industrial transition.

The [outcome of the most recent public consultation](#) confirmed it: **public spending must be turned into strategic value creation – for citizens and businesses. To do that, the Public Procurement Act must:**

- **Require public buyers to systematically assess offers based on best value,** including quality and innovation, lifecycle costs, environmental (e.g. energy

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<sup>1</sup> According to the [European Court of Auditor Special Report 28/2023](#) price alone accounted for over 50% of public contract awards in 18 Member States, exceeding 80% in 8 of them.

<sup>2</sup> As stated in the European Commission's [Evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities](#) and the European Parliament's [resolution on Public Procurement](#).

efficiency, circularity and relevant externalities) and social performance. Where this is not practicable, procurers should justify their focus on the cheapest bid<sup>3</sup>.

- **Deliver a straightforward, mandatory toolbox<sup>4</sup> to drive efficient implementation**, including robust labels<sup>5</sup> and whole lifecycle costing methodologies, alongside enabling sectoral legislation to set minimum mandatory criteria in key sectors,
- **Empower local and regional authorities to act as launch customers**: with 45% of the EU procurement procedures managed by sub-national authorities<sup>6</sup>, the Public Procurement Act should strengthen the professionalisation, guidance and capacity of public procurers at all levels of governance.

**The proposed Industrial Accelerator Act represents a first, albeit modest, commitment to speed up the creation of lead markets in the EU.** However, it does not and cannot compensate for shortcomings in the existing procurement framework. Without a set of procurement rules that systematically reward quality and long-term value, its impact will remain limited.

**We urge policymakers to deliver a Public Procurement Act that restricts price-only awarding and rewards best performers**, while equipping public buyers<sup>7</sup> with tools and capacity to implement rules effectively.

Aligning procurement policy with Europe's broader objectives – as defined in the political mandate of the Clean Industrial Deal – is essential to ensure that public investment delivers lasting benefits for the economy, society and the environment.

**We would welcome the opportunity to discuss our recommendations further and explore a path forward together.**

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<sup>3</sup> This could, for example, be framed as a general comply-or-explain obligation mandating contracting authorities to move beyond lowest-price-only awarding by default, while preserving flexibility where this is justified. Such justification could include situations where sector-specific legislation already secures the relevant strategic objectives through other substantive requirements (e.g. mandatory technical specifications or equivalent procurement obligations).

<sup>4</sup> Supporting instruments such as sector-specific criteria, LCC and labels should be made mandatory where they can be used easily and comparably, considering different sectoral conditions.

<sup>5</sup> Including ISO 14024 type 1 ecolabels, as well as other robust labels, certifications, ratings and ethical frameworks beyond compliance.

<sup>6</sup> The [figure](#) goes up to 75% in highly-decentralised countries like Germany or Spain.

<sup>7</sup> And their consultants writing technical requirements and selection criteria





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