

Bridging EU competitiveness and sustainably goals through strategic public procurement

Response to the public consultation on the revision of the Public Procurement Directives

Key messages and recommendations

We call on the Commission to seize the opportunity presented by the revision of the Public Procurement Directives to reinforce strategic public procurement as a means of better aligning and bridging the EU's competitiveness and sustainability objectives. To achieve this, ClientEarth has the following suggestions for a revision of the Public Procurement Directives.

1. **Ensure a coherent legal architecture by preserving the distinction between horizontal procedural rules and sectoral substantive rules.** Directive 2014/24/EU provides a horizontal, cross-sectoral framework, with sector-specific procurement obligations governed by sectoral legislation. The Directive provides general principles and procedures ("how to buy"), supplemented with exclusion grounds ("who not to buy from"). Sectoral legislation provides substantive provisions on "what to buy". This legal architecture should remain untouched.
2. **Elevate sustainability to a fundamental principle of public procurement.** To contribute to the EU's strategic objectives the main objectives of public procurement must be recalibrated. Sustainability must encroach in the Public Procurement Directives as a fundamental principle – alongside and at the same level of the fundamental principles of non-discrimination, equality, transparency and proportionality. This should go beyond the mere implementation of Article 11 of the Treaty on the Functioning of the European Union (TFEU). Sustainability should be mentioned as a strategic objective of the Public Procurement Directives and be defined to avoid greenwashing. The definition should go beyond emission reduction considerations.
3. **Remove obstacles to the uptake of sustainable procurement.** The Public Procurement Directives contain several concrete hurdles to the uptake of strategic including sustainable public procurement. To overcome these hurdles, the current definition of the subject-matter requirement must be revised. Moreover, sustainable procurement must become more binding, by (i) removing the absolute freedom to award based on the price-criterion only and (ii) extending and reinforcing exclusion grounds linked to sustainability obligations.
4. **Optimise the EU public procurement framework by streamlining the fragmented legal landscape.** The revision of the Public Procurement Directives should include a targeted coherence exercise aimed at streamlining the fragmented EU public procurement framework. This exercise should clarify definitions and address inconsistencies between the Public Procurement Directives and sector-specific procurement rules. This should be achieved by amending the Public Procurement Directives to: (i) introduce cross-references to relevant sectoral legislation, (ii) clarify the relationship between the EU Public Procurement Directives and procurement rules in sectoral legislation, (iii) identify and resolve existing inconsistencies between these frameworks, and (iv) further digitalise procurement processes. This coherence effort should under no circumstances result in a lowering of existing sustainability standards. Beyond its intrinsic importance, weakening sustainability requirements would undermine rather than support the long-term objectives of competitiveness and strategic autonomy.

1 Introduction

ClientEarth is a not-for-profit environmental law organisation that uses the power of the law to protect people and the planet. We are legal experts working to shape and enforce the law to tackle the world's biggest environmental challenges.

We welcome the opportunity to respond to the consultation on the revision of the EU Public Procurement Directives, as published by the Commission on 3 November 2025.

2 Bridging EU competitiveness and sustainability objectives through strategic public procurement

2.1 From internal market to strategic objectives

The EU's internal market has come a long way since the adoption of the first directive on public procurement in 1971.¹ The first directive primarily aimed at preventing Member States from discriminating market operators based on nationality, to remedy the ineffectiveness of the treaty rules on free movement aimed at achieving the internal market. Subsequent directives in 1993² and 2004³ expanded the rules to include harmonised procurement procedures and public notices to promote cross border trade.

The Public Procurement Directives have always been based on Article 114 TFEU and its predecessors which serves the establishment and integration of the internal (single) market. This explains the development in the case law of the Court of Justice of the European Union (CJEU) of the fundamental principles of public procurement, consisting of non-discrimination, equality, transparency and proportionality, which are all in function of market integration.

Half a century after the first Public Procurement Directives, the internal market as well as the role of the public procurement instrument have evolved. Public procurement now increasingly incorporates strategic objectives. The Commission has previously placed EU Member States and their contracting authorities in a pivotal position for the achievement of its sustainable and social agenda.⁴ In line with the [2024-2029 political guidelines](#), the upcoming revision of the Public Procurement Directives aims to make better use of public money, strengthen EU's economic security and better align its procurement policy with the strategic objectives.

¹ Council Directive 71/304/EEC of 26 July 1971 concerning the abolition of restrictions on freedom to provide services in respect of public works contracts and on the award of public works contracts to contractors acting through agencies or branches.

² Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts, Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.

³ Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sector, Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

⁴ Europe 2020: A Strategy for Smart, Sustainable and Inclusive Growth COM (2010) 2020.

Beyond public procurement obligations in sectoral legislation,⁵ there are a couple of examples in the Public Procurement Directives that actively support strategic objectives. This includes requirements to comply with environmental, social and labour standards,⁶ the possibility to take account of environmental costs (as part of the life cycle cost approach) in award criteria,⁷ the option to reserve contracts to sheltered workshops and certain public service organisations,⁸ and the option to make use of ecolabels.⁹

Despite these developments, the Public Procurement Directives do not sufficiently incentivise Member States, or contracting authorities, to use strategic public procurement as a tool to address the ongoing polycrisis. In revising the Directives, we encourage the Commission to recognise that, in the absence of clear and binding commitments to strategic including sustainable public procurement the legal framework will continue to prioritise a market-integration approach characterised by formalism, thereby relegating strategic objectives to the periphery.

2.2 Unlocking the full potential of public procurement

As poignantly stated in the opening paragraph of the European Green Deal (EGD),¹⁰ *“The atmosphere is warming and the climate is changing with each passing year. One million of the eight million species on the planet are at risk of being lost. Forests and oceans are being polluted and destroyed”*. Since the EGD, the climate and biodiversity crisis has only intensified. At the same time, recent reports by Letta and Draghi, the Commission’s political guidelines¹¹ as well as the Clean Industrial Deal call for increased market integration, competitiveness¹² and strategic autonomy,¹³ spurred on by recent geopolitical developments.

Sustainability, competitiveness, and strategic autonomy are intrinsically linked EU objectives. Absent a commitment to developing sustainable sectors and a sustainable society, increased competitiveness and strategic autonomy will be transient.

The potential of public procurement to contribute to the EU’s sustainability objectives cannot be overstated. The purchasing power of Member States’ contracting authorities is estimated at a total of EUR 2 trillion per year, representing 14-19% of EU GDP.¹⁴ According to estimates, public procurement (directly and indirectly) accounts for 15% of the EU’s global greenhouse gas emissions.¹⁵ Public

⁵ Examples include the *Clean Vehicles Directive* (Directive 2019/11/61) requiring concrete targets on the share of clean vehicles procured, the *Renewable Energy Directive* requiring (Directive 2018/2001) Member States to use available harmonised standards when defining technical specifications for renewable energy equipment and systems to be eligible under public procurement and the *Energy Efficiency Directive* (Directive 2023/1791) and the *Energy Performance Directive*, which impose obligations on Member States regarding the level of resource-efficiency of public buildings (Directive 2010/31/EU). Finally, the *Net Zero Industry Act* (Regulation 2024/1735) prescribes the integration of sustainability and resilience contributions in award criteria, and the *Ecodesign Regulation* (Regulation 2024/1781) creates a legal basis for the Commission to adopt – by delegated act – requirements regarding technical specifications, selection criteria and award criteria.

⁶ Article 18(2) of Directive 2014/24/EU.

⁷ Article 68(1)(b) of Directive 2014/24/EU.

⁸ Article 77 2014/24/EU.

⁹ Article 43 2014/24/EU.

¹⁰ Communication from the Commission to the European Parliament, the European council, the Council, The European Economic and Social committee and the Committee of the Regions, The European Green Deal, COM/2019/640 final.

¹¹ U. von der Leyen, Europe’s Choice: political guidelines for the next European Commission 2024-2029, p. 11.

¹² Enrico Letta, Much more than a market, Empowering the Single Market to deliver a sustainable future and prosperity for all EU citizens, April 2024.

¹³ Mario Draghi, The future of European competitiveness, September 2024.

¹⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, Making Public Procurement work in and for Europe (COM (2017) 572 final p. 2; European Commission, Buying Green! – A Handbook on green public procurement, 3rd edition, 2016, p. 4–5

¹⁵ World Economic Forum, *Green Public Procurement: Catalysing the Net-Zero Economy*, white paper January 2022.

procurement therefore has a great potential to drive demand for and production of sustainable products.¹⁶

The potential positive sustainability impact of public procurement reaches beyond procurement markets. It can drive spill-over effects that increase the demand for sustainable goods and services across the whole market, as the result of the creation of lead markets, innovation and example-setting. For example, considering that 25% of steel and 40% of cement is used for public construction,¹⁷ sustainable public procurement can go a long way in driving the transition in these sectors.

However, this potential remains largely untapped. For example, despite the Commission's efforts to promote voluntary Green Public Procurement (GPP) through guidance documents (EU GPP criteria), its impact remains minimal.¹⁸ Data suggests that in the most ambitious Member States, GPP accounted for no more than 16% of total public procurement (2006-2017).¹⁹ Moreover, GPP national action plans show strong divergences between Member States in terms of GPP objectives (ranging from a 100% GPP objective to no objective at all).²⁰ This highlights the ineffectiveness of the current voluntary approach.

We call on the Commission to use the revision of the public procurement framework as an opportunity to better align and bridge the EU's competitiveness and sustainability goals by strengthening strategic public procurement.

3 Ensure a coherent legal architecture

Currently, the EU public procurement framework is built around a division of regulatory functions. Directive 2014/24/EU establishes a horizontal framework, while sector-specific legislation provides sector specific public procurement obligations.

At its core, the Directive is concerned with the procedural dimension of public procurement regulating how contracting authorities buy. It lays down the fundamental principles governing procurement procedures, including transparency, equal treatment, non-discrimination, and proportionality, as well as harmonised procedural rules on issues such as publication, selection, and award criteria. In addition, the Directive specifies certain *negative obligations* by defining who contracting authorities should not buy from. Through mandatory and discretionary exclusion grounds such as those related to criminal convictions, grave professional misconduct, or breaches of tax and social obligations.

Hence, the Directive refrains from imposing detailed obligations concerning what contracting authorities should buy. Substantive policy choices such as requirements relating to environmental performance are addressed in sector-specific instruments.²¹

This regulatory architecture deliberately separates *process* from *substance*. It allows the horizontal procurement framework to remain stable, predictable, and market-oriented, while enabling the EU

¹⁶ DB Marron, 'Buying Green: Government Procurement as an Instrument of Environmental Policy' (1997) 25 Public Finance Review 285; DB Marron, 'Greener Public Purchasing as an Environmental Policy Instrument' (2004) 3 OECD Journal of Budgeting 70.

¹⁷ Stockholm Environmental Institute, Fostering industry transition through green public procurement: A "how to" guide for the cement and steel sectors, June 2021.

¹⁸ See Green Business - Library.

¹⁹ Rosell, J. (2021), Getting the green light on green public procurement: Macro and meso determinants, Journal of Cleaner Production, 279, 123710.

²⁰ <https://circabc.europa.eu/ui/group/44278090-3fae-4515-bcc2-44fd57c1d0d1/library/c23dd7e0-3f7e-4983-a964-bd9d98a0bbf4/details>.

²¹ See footnote 5.

legislator to pursue evolving policy priorities – such as sustainability, innovation, or strategic autonomy – through sectoral rules that can be calibrated, updated, and differentiated as needed. In doing so, it avoids overburdening the Directive with detailed policy mandates that could undermine its general applicability or disrupt the balance between harmonisation and subsidiarity.

For these reasons, the fundamental architecture of the EU public procurement framework combining a horizontal procedural Directive with targeted sectoral legislation on substantive purchasing choices should remain intact.

4 Sustainability as a fundamental principle of public procurement

As asserted above, competitiveness, strategic autonomy, and sustainability go hand in hand. Unlocking the full potential of public procurement to contribute to sustainability objectives requires a recalibration of its core role and function.

This entails, *inter alia*, reconceptualising public procurement as an investment rather than a cost, with returns extending beyond financial savings to encompass broader societal benefits, including environmental and health outcomes. Against this background, the Commission's assertion in its political guidelines that a *"1% efficiency gain in public procurement could save EUR 20 billion a year"* fails to capture the long-term return on investment that strategic procurement can deliver.

In any event, consideration of sustainability and environmental objectives in the revision of the Public Procurement Directives is not optional. In line with Article 11 TFEU – a core constitutional principle – environmental protection requirements must be integrated in the definition and implementation of the Union's policies and activities, in view of promoting sustainable development. Article 11 TFEU, read in conjunction with Article 3(3) Treaty of the European Union (TEU), Article 3 TFEU, Article 4(3) TFEU, Article 7 TFEU and Article 37 EU Charter of Fundamental Rights compel the Commission to take due account of environmental requirements when elaborating public procurement policy.

Moreover, the CJEU has recognised that the obligation in Article 18(2) of Directive 2014/24/EU to comply with environmental, social and labour law standards constitutes a cardinal value that stands at the same level of the other fundamental principles²² of EU public procurement law.²³ However, the Public Procurement Directives falls short in recognising the cardinal value of compliance with environmental, social and labour standards.

We therefore call on the Commission to seize the opportunity to codify the CJEU's finding that sustainability constitutes a fundamental principle of public procurement, standing on an equal footing with the principles of transparency, equal treatment, non-discrimination, and proportionality. Such codification should go beyond the mere application of Article 11 TFEU and serve to anchor sustainability as a core strategic objective of the Public Procurement Directives. Sustainability should be established as an explicit and autonomous objective, defined in a manner that extends beyond emission reduction and effectively guards against greenwashing.

²² Consisting of non-discrimination, equality, transparency and proportionality. See also above section 2.

²³ Case C-395/18, Tim SpA, ECLI:EU:C:2020:58.

5 Remove obstacles to an effective principle of sustainability

The Public Procurement Directives contain several obstacles to a meaningful implementation of a fundamental principle of sustainability. The main obstacles are the following.

- (i) The prohibition to prescribe criteria that go beyond the subject matter of the contract
- (ii) The voluntary approach to sustainable public procurement

In the sections below, we provide brief suggestions on how to overcome these obstacles.

5.1 The prohibition to prescribe criteria that go beyond the subject matter of the contract

The prohibition to prescribe criteria that go beyond the subject matter of the contract²⁴ constitutes a major barrier to a meaningful implementation of a fundamental principle of sustainability. The requirement that public procurement criteria must be linked to the subject matter of the contract is a codification of case-law of the CJEU.²⁵ It is based on the fundamental principles of public procurement law (excluding the sustainability principle as elaborated above under section 4) and implies that criteria for selecting the winning bid must concern the goods, services or works covered by the contract.

The subject-matter requirement restricts the freedom of contracting authorities to choose criteria. Notably, it restricts the extent to which contracting authorities can use criteria that consider the performance of bidders or its policies, as opposed to the performance of the bid.

While the subject-matter requirement has a role to play in excluding arbitrary criteria, a more flexible approach to or definition of the requirement is needed for tapping the full potential of sustainable procurement. Notably, a more flexible definition would allow for increased assessment of sustainability performance at company level, beyond the public contract only, e.g. by exploiting data reported by companies under the Corporate Sustainability Reporting Directive.²⁶

A redefinition of the subject-matter requirement is necessary because, from a sustainability perspective, looking at the performance of bids or contracts only is artificial and fails to provide incentives to economic operators to improve their sustainability performance more generally.

Focussing on the sustainability performance of contracts only may incentivise economic operators to internally subsidize bids for sustainable public contracts with profits deriving from unsustainable activities. It can also incentivise economic operators to resort to sub-contracting for performing a sustainable contract, whilst perpetuating unsustainable business activities of their own. This goes directly against the rationale and purpose of a revised public procurement framework that aims to deliver on sustainability.

²⁴ The subject-matter approach appears in various provisions of Directive 2014/24/EU, notably in relation to technical specifications (Article 42) labels (Article 43), selection criteria (Article 58), contract award criteria (Article 67) and contract performance conditions (Article 70). See also: Case C-513/99, *Concordia Bus*, para 64.

²⁵ Case C-513/99 *Concordia Bus Finland Oy Ab*, formerly *Stagecoach Finland Oy Ab v Helsingin Kaupunki and HKL-Bussiliikenne*, ECLI:EU:C:2002:495, para 64.

²⁶ Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022.

To maintain a balance between the sustainability principle and other fundamental principles of public procurement law, we recommend that revised Public Procurement Directives limit the maximum weight of criteria that are not directly linked to the subject-matter requirement, e.g. that maximum X% of the weight of award criteria may relate to aspects beyond the subject-matter of the contract.

5.2 Voluntary approach to sustainable public procurement

The Public Procurement Directives propose the integration of sustainability considerations on a purely voluntary basis. This approach has proven to be ineffective in reaching sustainability objectives, as noted above in section 2.2. The voluntary approach to sustainable public procurement can be tackled in various ways, including by limiting the freedom to award based on the price-criterion only and by imposing stricter minimum requirements linked to exclusion grounds.

5.2.1 Remove freedom to award based on price-criterion only

Directive 2014/24/EU requires contracting authorities to award the most economically advantageous tender using a price or a cost effectiveness approach, such as life cycle costing or a price-quality ratio which may include qualitative, environmental and/or social aspects.²⁷

If life cycle costing is used, it may take account of costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. Directive 2014/24/EU clarifies that such costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.²⁸

Despite the option to base award criteria on life cycle costing or the best price-quality ratio, a large majority of procedures are based on the award criterion lowest price only. In a 2023 report, the European Court of Auditors found that the share of public contracts awarded based on lowest price exceeded 80% in eight Member States.²⁹

Awarding contracts solely based on the lowest price prevents bids from competing on quality, including sustainability. As a rule, this approach should be avoided, as it limits the ability of public procurement to deliver added value and to serve as a strategic tool, including in support of sustainability objectives. The need to move away from procurement based on the lowest-price criterion has also been endorsed by the European Parliament.³⁰

In some cases, sustainable public procurement can also be achieved by using only lowest price as an award criterion, for example when the sustainability of the public procurement procedure is safeguarded using technical specifications (including labels). Pursuant to Article 42(3)(a) of Directive 2014/24/EU, “the technical specifications shall be formulated in one of the following ways: (a) in terms of performance or functional requirements, including environmental characteristics, provided that the parameters are sufficiently precise to allow tenderers to determine the subject-matter of the contract and to allow contracting authorities to award the contract;(...)”. Furthermore, Annex VII titled ‘Definition of certain technical specifications’, refers to “environmental and climate performance levels”. Technical specifications may also take the form of emission reduction targets. If minimum sustainability

²⁷ Article 67(2) Directive 2014/24/EU.

²⁸ Article 68 Directive 2014/24/EU.

²⁹ Special report of the European Court of Auditors, Public procurement in the EU, less competition for contracts awarded for works, goods and services in the 10 years up to 2021.

³⁰ European Parliament resolution of 9 September 2025 on public procurement ([2024/2103\(INI\)](#)).

requirements take the form of (appropriate) technical specifications, the sustainability of the bid is given, despite the lack of competition on those sustainability criteria. Moreover, one can think of sectors or products and/or services in relation to which sustainability considerations will genuinely not have a meaningful impact.

Considering the above, we call on the Commission to require the use of award criteria based on life-cycle costing or the best price-quality ratio, thereby excluding awards based solely on price, subject to a comply or explain mechanism. Under this mechanism, contracting authorities should be permitted to depart from the default only where they provide a clear, objective, and verifiable justification for using the lowest-price criterion. The mechanism should be framed with sufficient rigor to ensure its effectiveness and prevent any dilution of its practical impact.

5.2.2 Extend and reinforce exclusion grounds

Raising sustainability to the level of a fundamental principle requires that the minimum obligations for economic operators in the field of environmental, social and labour law currently laid down in Article 18(2) in conjunction with Annex X to Directive 2014/24/EU be expanded in terms of material scope and enforceability.

Regarding the material scope, the legal instruments currently listed in Annex X to the Directive 2014/24/EU is grossly inadequate and incomplete. Therefore, we call upon the Commission to extend the instruments listed in Annex X with instruments listed in the Annex³¹ to the Corporate Sustainability Due Diligence directive,³² at a minimum.

Regarding enforceability, a revised public procurement framework, especially if based on directives, should address the obligation to contracting authorities instead of Member States as is currently the case under Article 18(2) Directive 2014/24/EU. This would resolve the problem under the current framework that contracting authorities cannot be held accountable for not taking appropriate measures.

We encourage the Commission to remove the contracting authorities' discretionary freedom to invoke exclusion grounds if it has established that the most economically advantageous tender does not comply with the minimum requirements.³³ Instead, invoking the exclusion grounds should be mandatory. The same should apply to situations where contracting authorities have established breaches of obligations based on environmental, social and labour law.³⁴

Exclusion grounds are particularly effective in simplifying sustainable public procurement for contracting authorities because it is a transparent and effective way of implementing and enforcing horizontal minimum sustainability obligations. To minimise the burden on contracting authorities and ensure efficiency, we recommend imposing an obligation on Member States to set up a centralised platform where the relevant data on economic operators is collected and made available to contracting authorities. This should allow contracting authorities to apply and enforce exclusion criteria, without additional burden. We would also support a system that goes a step further by listing, at national level, economic operators that must be excluded pursuant to the exclusion grounds.

³¹ The Annex to the Corporate Sustainability Due Diligence directive distinguishes rights and prohibitions included in international human rights instruments, human rights and fundamental freedoms instruments, and prohibitions and obligations included in environmental instruments.

³² Directive 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive 2019/1937 and Regulation 2023/2859.

³³ See Article 56(b) last paragraph Directive 2014/24/EU.

³⁴ See Article 57(4)(a) Directive 2014/24/EU.

6 Optimising procurement by harmonizing rules in the EU public procurement framework

ClientEarth supports the development of the inclusion of normative standards applicable to public procurement in a growing number of pieces of non-public procurement specific legislation. However, it must be recognised that this has brought a high level of complexity because of fragmentation of the normative landscape. This is supported by the recent European Parliament's INI report³⁵ and the Commission's evaluation report,³⁶ which note that inconsistencies in national transposition and a growing number of sector-specific instruments are often cited as potential sources of difficulty for cross-border competition and for the uptake of strategic procurement. It has also led to a growing number of internal³⁷ and external³⁸ inconsistencies in the overall EU public procurement framework.

The revision of the Public Procurement Directives should therefore include a targeted coherence exercise aimed at streamlining the fragmented EU public procurement framework. This exercise should clarify definitions and address inconsistencies between the Public Procurement Directives and sector-specific procurement rules. This should be achieved by amending the Public Procurement Directives to: (i) introduce cross-references to relevant sectoral legislation, (ii) clarify the relationship between the EU Public Procurement Directives and procurement rules in sectoral legislation, (iii) identify and resolve existing inconsistencies between these frameworks, and (iv) further digitalise procurement processes. This coherence effort should under no circumstances result in a lowering of existing sustainability standards. Beyond its intrinsic importance, weakening sustainability requirements would undermine rather than support the long-term objectives of competitiveness and strategic autonomy.

7 Final comments

We recognise that legislative reform alone is not enough to bridge EU competitiveness and sustainability goals through strategic public procurement.

Other key aspects include further professionalisation of the procurement profession, greater appreciation for the buyers and higher budgets. Changes in governance structure of contracting authorities can also have a positive impact in driving sustainable public procurement. For example, if public procurement teams are part of the budget or finance department it quasi-automatically links to a cost saving mission, thereby undermining the uptake of strategic public procurement under the Public Procurement Directives.

³⁵ European Parliament resolution of 9 September 2025 on public procurement (2024/2103(INI)).

³⁶ Commission staff working document evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities.

³⁷ European Commission: Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs and Caranta, R., *Coherence in the EU public procurement directives – A study into the internal coherence between the objectives, the principles and the provisions in the EU public procurement and concessions directives*, Publications Office of the European Union, 2025, <https://data.europa.eu/doi/10.2873/3304248>.

³⁸ European Commission: Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs and Janssen, W. A., *The coherence of public procurement legislation in the European Union – A study into the external coherence between the public procurement directives and other legislative instruments regulating public procurement*, Publications Office of the European Union, 2025, <https://data.europa.eu/doi/10.2873/7419429>.

Therefore, whilst outside the remit of the public consultation, we strongly encourage the Commission to develop programmes to support and capacitate Member States and their contracting authorities to gain understanding of best practices around sustainable public procurement.

Finally, we would like to emphasize the importance of data on sustainable public procurement, on prevalence, output and performance. Such data can be very valuable for identifying best practices around sustainable public procurement. In this context, we would like to take the opportunity to welcome the launch of the Public Procurement Data Space³⁹ (PPDS) on 24 September 2024. This marks a significant step towards enhancing transparency in public procurement across Europe and maximises the potential of the use of e-forms that were introduced by means of the implementing regulation on e-forms.⁴⁰

However, we regret that the use of the PPDS is not mandatory. We therefore encourage the Commission to explore if there are possibilities to gradually make the use of the PPDS mandatory. We urge the Commission to resist any pushback from Member States.

Lorenzo Fiorilli

Lawyer – Public Finance, Energy Markets and Competition

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³⁹ Communication from the Commission Public Procurement: A data space to improve public spending, boost data-driven policy-making and improve access to tenders for SMEs, (2023/C 98 I/01).

⁴⁰ Commission Implementing Regulation (EU) 2019/1780 of 23 September 2019 establishing standard forms for the publication of notices in the field of public procurement and repealing Implementing Regulation.