eurelectric
powering people

Public procurement directives

A Eurelectric consultation response paper

March 2025

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:
- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

WG Sustainable Network Technology
WG RES & Storage
WG Thermal & Nuclear
WG Hydro
WG Industrial Competitiveness & Innovation
WG E-mobility

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EXECUTIVE SUMMARY

Eurelectric welcomes the evaluation and upcoming review of the existing Public Procurement Directives. The review can, if designed appropriately, be useful to support the electricity sector in enabling the energy transition.

- Simplify and ensure adequate flexibility to meet the ambitious targets set by the European Commission
- Adapt the Directive to promote resilience, security and sustainability
- Assure consistency and avoid overlaps with other existing EU regulation

The power sector is undergoing a major transformation to drive society's electrification and decarbonisation. This requires doubling grid investments by 2050 and tripling power capacity by 2040. **To achieve this, the access to adequate bidders and public tenders is crucial.**

A) Simplify and ensure adequate flexibility in procedures to meet the ambitious targets set by the European Commission and recognize the special character inherent to the power sector

1. **Exempt public procurement requirements for electricity generation entities for directive *2014/25/EU through Article 9.2*:** Allowing the acquisition of products and equipment with simple procedures ensures the continuity of supply of critical assets and the strongly needed accelerated build out of low-carbon energy generation capacity for a resilient European energy market. Furthermore, having regards that the electricity market design established a regulatory framework guaranteeing exposure to competition.
2. **Preserve the sector-specific treatment granted by Directive 2014/25/EU** with special or exclusive rights by Member States. It also allows for a broader selection of procurement techniques like the *negotiated procedure.* It is therefore crucial to avoid merging it with Directive 2014/24/EU.
3. **Maintain Member State exemptions** where they exist, to not increase administrative burden. Currently, it is possible to apply to the European Commission for an exemption as per article 34, but requests are too time-consuming and costly. Application and authorization procedures must be simplified.
4. **Raise value thresholds in Article 15 of directive 2014/25/EU**: to reduce the administrative burden on contracting authorities and companies, help more SMEs participate in tenders, and adjust to increased prices in the past years.
5. **Promote simplification and flexibility of rules:** The current framework is perceived as overly complex. Particularly regarding the *selection of sellers* and the difficulty to amend contracts, which proves inadequate in case of urgent situations. We welcome facilitation options like recurring programs and qualification systems, which reduce administrative burdens.

B) Promote resilience, sustainability and security

6. **Introduce non-price criteria** allowing European preference, considering the business location and tax jurisdiction of suppliers, and environmental and social considerations in public procurement —while ensuring they remain easy to implement, suited to both suppliers and tenderers and do not cause disproportionate costs.
7. **Address data protection and cybersecurity:** Tenderers should be able to require their suppliers to guarantee that their data centers are in the EU.
8. **Establish a European Database for bidders:** creating a safe and shared database where tenderers can check relevant legal documents of bidders, to streamline and shorten the procurement process.
9. **Promote the use of innovative solutions by companies:** ICT products need to be considered in the Directives' rules on the transfer of intellectual property rights.

C) Assure consistency and avoid overlaps with other existing EU regulation

10. **Assure coherence and resilience:** the latest EU legislation on public procurement, like the NZIA, lacks consistency with the Public Procurement Directives.
11. **Ensure consistency in the framework for market access to non-EU countries:** more coordination with the Foreign Subsidies Regulation could provide clearer rules on the purchase of non-EU products, which can be necessary in the short term.

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability

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