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Public Procurement Directives -revision

A Eurelectric consultation response paper

January 2026

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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.

Dépôt légal: D/2026/12.105/03

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

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Call for evidence

Eurelectric welcomes the opportunity to respond to the consultation and supports the objective of simplification. The electricity sector acts both as contracting entities (e.g. grids, publicly owned power producers) and as bidders for renewables for public entities.

Assessment:

For grid operators, procurement delays the speed of modernisation and expansion. For power producers, the rules are no longer fit for purpose, as energy markets are open and competitive with private and public actors partaking.

The sector seeks tailored and high-quality products, and procurement can take up to half of project timelines[1]. This is worsened by the sharp drop in average bids per tender, from 5.4 (2006–2010) to 3.4 (2017–2024), across sectors[2]. In addition, there is a general challenge with overlapping regulation.

Recommendations:

The sector's transformation to enable electrification and decarbonisation requires doubling grid investments by 2050 and tripling power capacity by 2040. Access to adequate bidders and public tenders is therefore crucial.

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

1. **Exempt electricity generation entities *ab initio* from public procurement requirements in directive *2014/25/EU through Article 9.2*:** Having regards that the electricity market design established a regulatory framework guaranteeing exposure to competition. This would entail both publicly and privately owned utilities would compete on similar conditions.

2. **Promote simplification and flexibility of rules:** We recommend simplifying off-the-shelf purchasing rules, allowing negotiation throughout procedures, increasing flexibility in contract modifications and contract length, facilitating buyer collaboration, and enabling possibility of reusing bidder documentation. Moreover, promoting the use of innovative solutions by companies, where ICT products should be considered in the PPD rules on transferring intellectual property rights.

[1] Eurelectric. *Grids for Speed. p. 84.* https://powersummit2024.eurelectric.org/grids-for-speed/
[2] European Commission. *Evaluation of the Public Procurement Directives. p. 25.* https://public-buyers-community.ec.europa.eu/news/publication-evaluation-public-procurement-directives

3. **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 inflation, particularly considering the lowered thresholds from Jan 2026.

4. **Maintain the current public procurement framework (three directives), including existing Member State exemptions** where they exist, to avoid increasing administrative burden. Although Article 34 allows exemptions, applications are too time-consuming and costly; procedures should be simplified. Considering the heterogeneity of procurement across Member States, it should be legislated through Directives.

Promote resilience, sustainability and security:

5. **Allow non-price criteria as a voluntary measure** for promoting products and goods made with Europe, 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.

6. **Interconnect all existing eProcurement services, and provide a central service where organisations are able to utilise both:** these services would help streamline and shorten the procurement process, and should be securely designed.

Assure consistency and avoid overlaps with other existing EU regulation:

7. **Assure coherence and resilience:** provisions governing how procurement is conducted should be integrated into the PPD, with such rules removed from sector-specific legislation. We also propose that an overview be created in annex format in the tendering rules.

8. **Ensure consistent market access rules for non-EU countries** by better coordinating with the Foreign Subsidies Regulation, providing clarity on necessary short-term purchases of non-EU products **-** without limiting contracting authorities' discretion to define suitable origins on a case-by-case basis.

Public consultation – Questionnaire

All responses from Eurelectric are marked in blue.

Overall objectives

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

a) **facilitate SMEs participation** (e.g. division into lots, payment schemes including direct payments to subcontractors)

b) **facilitate the aggregation of demand** (e.g. joint procurement by several authorities, reinforcing the role of central purchasing bodies, framework agreements)

c) **1) make procurement rules more flexible** (e.g. more space for negotiations, more discretion given to public buyers)

d) **make procurement rules less prone to litigation** (e.g. more detailed procedural rules to avoid ambiguity)

e) **make procurement rules less prone to anti-competitive practices** (e.g. wider use of digital tools to facilitate transparency)

f) **prioritise broader policy goals by moving beyond the lowest-cost paradigm** (e.g. to include objectives like sustainability, innovation, social responsibility and *Made in Europe*)

g) **3) reduce administrative burden through full digitalisation** (e.g. digitalisation of the entire procurement process, single digital procurement entry point, data reuse)

h) **2) make procurement rules less detailed** (e.g. focus on high-level concepts, less rules defining procedural steps)

Green, social and innovative public procurement

a) **facilitate environmentally friendly purchases** (e.g. facilitated use of ecolabels and standards, set targets for green public procurement)

b) **prioritise quality over price when seeking value for money** (e.g. wider use of the of best price quality ratio to support strategic and sustainable procurement)

c) **3 - facilitate purchases of innovative solutions** (e.g. simplifying innovation partnerships, easing access to public procurement for startups)

d) **2 - make procurement rules less detailed** (e.g. focus on high-level concepts, less rules defining procedural steps)

e) **prioritise competition and price savings** (e.g. by avoiding ambitious green and social requirements)

f) **facilitate socially responsible purchases** (e.g. improved working conditions, social inclusion)

g) **facilitate SME participation** (e.g. division into lots, payment schemes including direct payments to subcontractors)

h) **1 - avoid additional administrative burden** (e.g. limited rules on social and green conditionalities and associated administrative and evidence requirements for companies and public buyers)

Economic security and strategic autonomy

a) 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

b) **1 - make procurement rules more flexible** (e.g. more discretion given to public buyers)

c) **3 - 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)

d) **prioritise competition and price savings** (e.g. by allowing unrestrained access to European markets to firms from outside Europe)

e) **make procurement rules less prone to litigation** (e.g. more detailed to avoid ambiguity in case of third countries access)

⠿**2 - avoid additional administrative burden** (e.g. minimal rules on the extent to which *Made in Europe* requirements are met)

⠿

f) give **general preference to European industry, products and services** (*Made in Europe*) to support investment, growth and jobs in the EU

Expert sections

Question: 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.

Simplification

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:

Question: More **flexible** procedures:

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4)Additional complication potential	5)High complication potential
Simplify procedures for off-the shelf purchases (i.e. compliance only with basic principles, such as non-discrimination, transparency, and procedural fairness)	X				
Allow corrections of procurement documents throughout the procedure		x			
Allow negotiations throughout the procurement procedure	X				
Facilitate dialogue with the market		x			
Increase flexibility in contract modifications (e.g. revising the duration, price changes)	X				

Question: Facilitate **joint procurement:**

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4)Additional complication potential	5)High complication potential
Increase flexibility in setting the duration of framework agreements		x			
Facilitate networking among buyers (e.g., forming buyer groups or communities of practice)	x				
Simplify rules for setting up joint procurements, especially across borders		x			
Enhance the role of Central Purchasing Bodies			x		

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

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4) Additional complication potential	5)High complication potential
Provide model contract templates and technical specifications templates for public buyers		x			
Allow re-use of documentation submitted by bidders (once-only principle)	x				
Set time limits for evaluating bids				x	
Increase time limits for submission				x	

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4) Additional complication potential	5)High complication potential
Establish a central EU procurement platform and enhance digitisation			x		

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

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4)Additional complication potential	5)High complication potential
EU-level targets for SMEs participation in public procurement					x
Simplify rules for forming consortia, especially for SMEs			x		
Encourage dividing contracts into smaller lots				x	

Question: Improve **implementation** and contract management:

	1)High simplification potential	2)Some simplification potential	3)No or negligible impact	4)Additional complication potential	5)High complication potential
Establish rules for the post-award phase, including contract implementation				x	
Speed up payments to contractors, especially SMEs					x
Increase use of pre-financing, especially for SMEs					x
Establish rules for direct payments to subcontractors, especially SMEs					x

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

Two additional measures which would simplify procedures include:
1. Exclude electricity producers, as fully liberalised markets expose them to competition; removing them from scope ensures a level playing field.
2. Raise value thresholds to reflect inflation and scarcity, correcting recent downward revisions (EU 2025/2150).

Coherence between general rules applicable to all sectors and sectoral rules

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

Question A) **EXISTING** SECTORAL LEGISLATION

Answer

a) 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.

Answer

b) 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.

c) 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.

Answer

d) Other:

Question B) **FUTURE** SECTORAL LEGISLATION

Answer

a) Future **“how and what to buy**” requirements **should be integrated** in the general legislative framework.

Answer

b) 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.

Answer

c) Future **“how and what to buy”** legal provisions in sectoral acts **should NOT be integrated** in the general legislative framework.

Answer

d) Other:

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.

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

Answer

A) No, the current environment of eProcurement services is appropriate.

Answer

b) 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.

Answer

c) 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.

Answer

d) Yes, by replacing all existing Member States' eProcurement services with one central EU eProcurement service.

Answer

e) No opinion.

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.

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

a) Yes

b) No

Made in Europe - impacts

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

Prioritising European products should remain at the discretion of the contracting entity as a voluntary tool. In some cases, it risks higher prices and product

shortages. It could also raise administrative costs due to verification, deter bidders and reduce competition.

Green public procurement

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.

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

	a)Strongly agree	b)Agree	c)Neutral	d)Disagree	e) 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.		x			
2. The general legislative framework should further incentivise the use of green public procurement.					
3. EU public procurement law should mandate further green public procurement obligations.				x	

Green public procurement - impacts

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

Green criteria can support and incentivise environmental objectives, but making them mandatory risks higher administrative burdens for both bidders and public buyers. Reduced competition, higher prices, and lower SME and cross-border participation are likely.

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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