

# **Recommendations for the revision of EU rules on public procurement**

**Response to the call for evidence**

**26 January 2026**

# Key recommendations

1. Create predictable demand and lead markets for low-carbon products and materials
2. Harmonise what “low-carbon / net-zero” means and how it is evidenced
3. “Made in Europe” and low-carbon conditionality to strengthen clean and resilient European value chains
4. Use procurement as a practical tool for demand-side obligations
5. Fit-for-purpose procedures for innovative low-carbon and net-zero procurement
6. Enable aggregation of demand and long-term contracting
7. Align procurement with CO<sub>2</sub> infrastructure readiness, open access, and risk-sharing
8. Strengthen governance: digitalisation, verification, enforcement, and workable cross-border procurement
9. Build capacity so contracting authorities can deliver strategic low-carbon and net-zero procurement

## Introduction

ZEP welcomes the European Commission's initiative to revise the EU public procurement directives to strengthen the strategic use of public spending while simplifying procedures and improving transparency.

We strongly support the Commission's objective to simplify and modernise public procurement rules, improve flexibility, digitalisation and transparency, and make procurement a more effective strategic instrument for sustainability, resilience and economic security. In this context, procurement can play a critical role in creating lead markets and predictable demand for low-carbon and net-zero solutions, including CCS-enabled industrial products and durable carbon dioxide removals (CDR). This is particularly relevant for strategic sectors where procurement choices influence industrial investment decisions and infrastructure build-out.

ZEP's recommendations focus on how the revised framework can better support the scale-up of CCS/CCU and carbon removals (CDR) through credible demand creation, robust verification, effective contracting tools, and buyer capacity – while preserving legal certainty, proportionality, and administrative simplicity for contracting authorities and bidders.

### 1. Create predictable demand and lead markets for low-carbon products and materials

Public procurement can be a powerful demand-side instrument to support the scale-up of low-carbon industrial products and services, including those enabled by CCS and CCU. ZEP recommends making green public procurement criteria and targets more systematic and, where relevant, mandatory in strategic and emissions-intensive sectors.

Mandatory minimum shares for low-carbon products in priority categories can further strengthen investment signals, provided that requirements are phased in over time and aligned with market readiness and supply availability.

Such measures can deliver climate benefits at limited additional cost, while improving investment certainty for European industrial decarbonisation projects and supporting the emergence of European lead markets.

### 2. Harmonise what “low-carbon / net-zero” means and how it is evidenced

For procurement to credibly support climate objectives, contracting authorities must be able to rely on clear, harmonised definitions and verifiable evidence. This is essential to enable consistent use of non-price criteria and to avoid fragmented approaches across Member States. ZEP recommends that the revised framework enables the use of EU-wide definitions, thresholds and methodologies to substantiate “low-carbon” and “net-zero” claims in procurement procedures.

These should be grounded in transparent, third-party verified life-cycle assessment (LCA) approaches, including Environmental Product Declarations (EPDs), aligned with international best practices. Harmonised labelling and traceability systems, supported by interoperable digital infrastructure, are essential to ensure comparability across the single market and reduce transaction costs for both buyers and bidders. These principles are also directly relevant to credible public procurement of durable CDR, where robust evidence, transparency and post-award verification are essential.

### 3. “Made in Europe” and low-carbon conditionality to strengthen clean and resilient European value chains

ZEP supports the Commission’s intention to strengthen European strategic autonomy and resilience through public procurement, including the use of “Made in Europe” (EU and EEA) criteria in strategic sectors. However, such criteria should be designed to reinforce both industrial competitiveness and climate objectives.

In practice, European preference mechanisms should reward products and services that demonstrably deliver lower life-cycle emissions, rather than locking in higher-carbon domestic supply. Properly designed, “Made in Europe” criteria can strengthen resilient European industrial value chains while remaining compatible with climate objectives and international commitments.

ZEP therefore recommends that “Made in Europe” preferences be operationalised through non-price criteria that integrate resilience and sustainability considerations, and that eligibility/award requirements be conditional on both (i) EU/EEA origin/value-added criteria and (ii) robust “low-carbon”/“net-zero” performance criteria. To ensure legal certainty and comparability across the single market, these climate-performance criteria should be grounded in the harmonised EU definitions, thresholds and methodologies set out under Recommendation n°2. This combined approach would strengthen European strategic autonomy while ensuring that procurement consistently supports the EU’s climate objectives and avoids unintended incentives for higher-carbon “local” supply.

In this context, ZEP supports revisiting the current contract award criteria practice under the “most economically advantageous tender” (MEAT) framework to ensure that the Best Price-Quality Ratio (BPQR) becomes the standard approach (for e.g. via a comply-or-explain mechanism and/or minimum weighting for quality criteria), enabling systematic use of non-price criteria such as resilience, sustainability and verified low-carbon/net-zero performance. Such measures should be clearly defined, targeted to strategic sectors, and designed to preserve effective competition and innovation.

### 4. Use procurement as a practical tool for demand-side obligations

Public procurement can operationalise demand-side obligations in a pragmatic and proportionate way. ZEP recommends enabling the use of quotas, eligibility conditions or contract clauses in procurement procedures to support low-carbon materials, CCS-enabled products and, where appropriate, durable carbon removals.

Where relevant (notably in construction and renovation), this can also be achieved through embodied-carbon performance requirements and targets (including product-stage emissions such as A1–A3), building on existing methodologies and implementation experience in Member States (for e.g. Germany’s BEG framework), rather than creating entirely new or parallel systems.

Such approaches should be backed by robust certification, monitoring and compliance mechanisms, while allowing flexibility (e.g. pooling or aggregation) to minimise administrative burden. Well-designed demand-side obligations through procurement can scale markets efficiently and align public spending with EU climate and industrial policy objectives while improving legal certainty and comparability across tenders.

## 5. Fit-for-purpose procedures for innovative low-carbon and net-zero procurement

The uptake of public procurement of innovation remains limited, despite its importance for deploying first-of-a-kind low-carbon and net-zero solutions. ZEP recommends simplifying and promoting procurement procedures suited to innovation, such as innovation partnerships, competitive dialogue and structured market consultations.

CCS, CCU and CDR projects often involve evolving standards, novel contracting models and significant technical complexity. Clearer guidance, a more consistent definition of “innovation”, and greater flexibility to use outcome-based specifications and pre-commercial procurement would significantly improve the ability of contracting authorities to procure such solutions effectively and reduce the risk of over-prescriptive technical specifications.

## 6. Enable aggregation of demand and long-term contracting

Aggregation of demand is critical to reducing risk and transaction costs for capital-intensive low-carbon and net-zero investments. ZEP welcomes the Commission’s focus on joint procurement, central purchasing bodies, framework agreements and buyer groups, and recommends explicitly strengthening these tools in the revised framework.

In addition, ZEP recommends enabling “joint bidding” or “portfolio bidding” mechanisms that allow several projects to bid together under a common tender procedure (or in coordinated tender rounds), where this improves deliverability and value for money. This can help address scale, timing and interdependency challenges in complex value chains. In the context of CCS and CDR, allowing coordinated bids can support integrated offers across capture, CO<sub>2</sub> transport and storage (and, where relevant, long-term service delivery and MRV), thereby reducing cross-chain risk and associated counterparty risk, and improving bankability. For complex net-zero value chains, procurement rules should better support deliverability, including through realistic timelines, appropriate risk allocation, and long-term performance obligations.

For CCS and durable carbon removals, aggregation can help align demand volumes and support long-term contracting, and improve bankability. In industrial clusters, coordinated procurement approaches can help synchronise capture, transport and storage investments, addressing a key barrier to deployment.

## 7. Align procurement with CO<sub>2</sub> infrastructure readiness, open access, and risk-sharing

Public procurement can help sequence and bundle demand for capture-ready assets, CO<sub>2</sub> transport capacity and storage services, but only if enabling infrastructure is available on time. This requires careful sequencing to avoid stranded assets and ensure that procurement-supported investments are aligned with infrastructure availability and system planning. ZEP therefore stresses the importance of aligning procurement rules with timely permitting, cross-border coordination and infrastructure development. Risk-sharing mechanisms, including consortium-based approaches, can further support investment while safeguarding public value and ensuring continuity of service over the full contract duration.

## 8. Strengthen governance: digitalisation, verification, enforcement, and workable cross-border procurement

ZEP supports the Commission's objective to address governance weaknesses in public procurement, including fragmented systems, data gaps, and uneven transparency. Interoperable digital procurement platforms, data reuse, and harmonised reporting requirements can significantly reduce administrative burden for both contracting authorities and bidders, while improving oversight and strategic use of procurement data (including through "once-only" submission and re-use of verified evidence across tenders). This should build on a connected EU "digital ecosystem" approach that improves interoperability between national e-procurement systems and portals, rather than duplicating existing infrastructure.

To ensure that Green Public Procurement (GPP) and other sustainability-related procurement deliver measurable and credible outcomes, ZEP recommends streamlining EU governance through harmonised monitoring, reporting, and verification (MRV) mechanisms. This should enable consistent tracking of GPP uptake and performance across Member States, support better policymaking and benchmarking, and strengthen accountability without adding disproportionate administrative burden. Moreover, standardised model criteria, clauses and templates can help operationalise sustainability requirements consistently and reduce transaction costs and litigation risks.

In parallel, the revised framework should strengthen post-award compliance tools, including proportionate remedies for non-compliance and clear accountability mechanisms. This is particularly important where procurement is used to support low-carbon materials, CCS-enabled products or carbon removals, to ensure that public funds deliver genuine climate and industrial policy outcomes. The revised framework should also provide greater clarity on interactions with related EU instruments (including the Foreign Subsidies Regulation) to reduce legal uncertainty and avoid unintended delays in procurement procedures.

Finally, to make these objectives effective in practice, ZEP also recommends removing practical barriers to cross-border and multi-authority joint procurement. While EU law already allows for joint procurement, its use remains limited due to legal uncertainty, high transaction costs, and uneven capacity among contracting authorities. The revised framework should therefore enable a more uniform EU approach for strategic procurements, including the development of standardised model agreements, templates and guidance for cross-border procedures. This would directly support the Commission's simplification objective and be particularly valuable for integrated CCS and CDR value chains and industrial clusters, where coordination across authorities and jurisdictions is often critical to deliver projects at scale and on time.

## 9. Build capacity so contracting authorities can deliver strategic low-carbon and net-zero procurement

Finally, successful strategic procurement depends on capacity as much as on legal design. ZEP encourages the Commission to complement regulatory changes with investments in skills, guidance, templates and communities of practice, particularly at local and regional level.

Improving professionalisation, incentives and knowledge-sharing among public buyers will be essential to ensure consistent implementation, reduce litigation risks and maximise the impact of procurement as a driver of Europe's industrial transformation and Just Transition objectives.

## Conclusion

ZEP stands ready to support the Commission and Member States in designing and implementing a revised public procurement framework that is simpler, more transparent, and more strategic. By combining workable “Made in Europe” (EU/EEA) criteria with harmonised low-carbon/net-zero definitions and evidence requirements, and by enabling aggregation, innovation-friendly procedures, and stronger governance and capacity, the revision can help create European lead markets and accelerate the deployment of CCS/CCU and durable CDR. This will strengthen EU competitiveness, resilience and strategic autonomy while contributing credibly to the EU’s climate objectives.

### About the Zero Emissions Platform

*Zero Emissions Platform (ZEP) is the official advisor to the European Union on industrial carbon management.*

*ZEP is the European Union’s official advisor on industrial carbon management. Our comprehensive technical work and policy advice build on a broad and diverse membership, including energy producers, industrial companies, CO<sub>2</sub> transport and storage infrastructure developers, technology and equipment providers, financial institutions, academia, research organisations, environmental NGOs, trade unions, and other civil society organisations.*

*ZEP supports the European Technology and Innovation Platform (ETIP) for industrial carbon management under the SET-Plan and collaborates closely with the European Commission and Member States on several common deliverables. Our mission is to enable and accelerate the deployment of industrial carbon management technologies and projects in line with EU climate objectives.*