

Helsinki

Public
Procurement Analysis



**big
buyers**

Working
Together

The Future Public Procurement Landscape

Big Buyers Working Together
Annual Event March 2025
Helsinki

Presenter: Abby Semple, LL.B. Ph.D.



○ Agenda



Big picture
Politics
Law
Practice
What do you think?



○ Big picture: Glass half full

- Many European public bodies now have **25+ years** of experience with green or sustainable procurement – and **those who start typically continue**
- Legal, policy and professional framework for procurement has become much more **friendly to SPP** over past 20 years, and some of the traditional focus of SPP is now **'business as usual'/mandatory**
- Communities of Practice and **creativity** in procurement are helping to shift the focus from procedures to **outcomes**



○ Big picture: Glass half empty

- Majority of public contracts are still awarded based on **cost/price** alone, and there is little data on **take-up** or **impact** of SPP across the EU
- Concerns about **low competition** and use of **direct awards** – these seem to be becoming more problematic in many EU countries
- Pressure to **roll back environmental and social legislation**, e.g. on corporate reporting, may also affect SPP



○ The direction of the current Commission



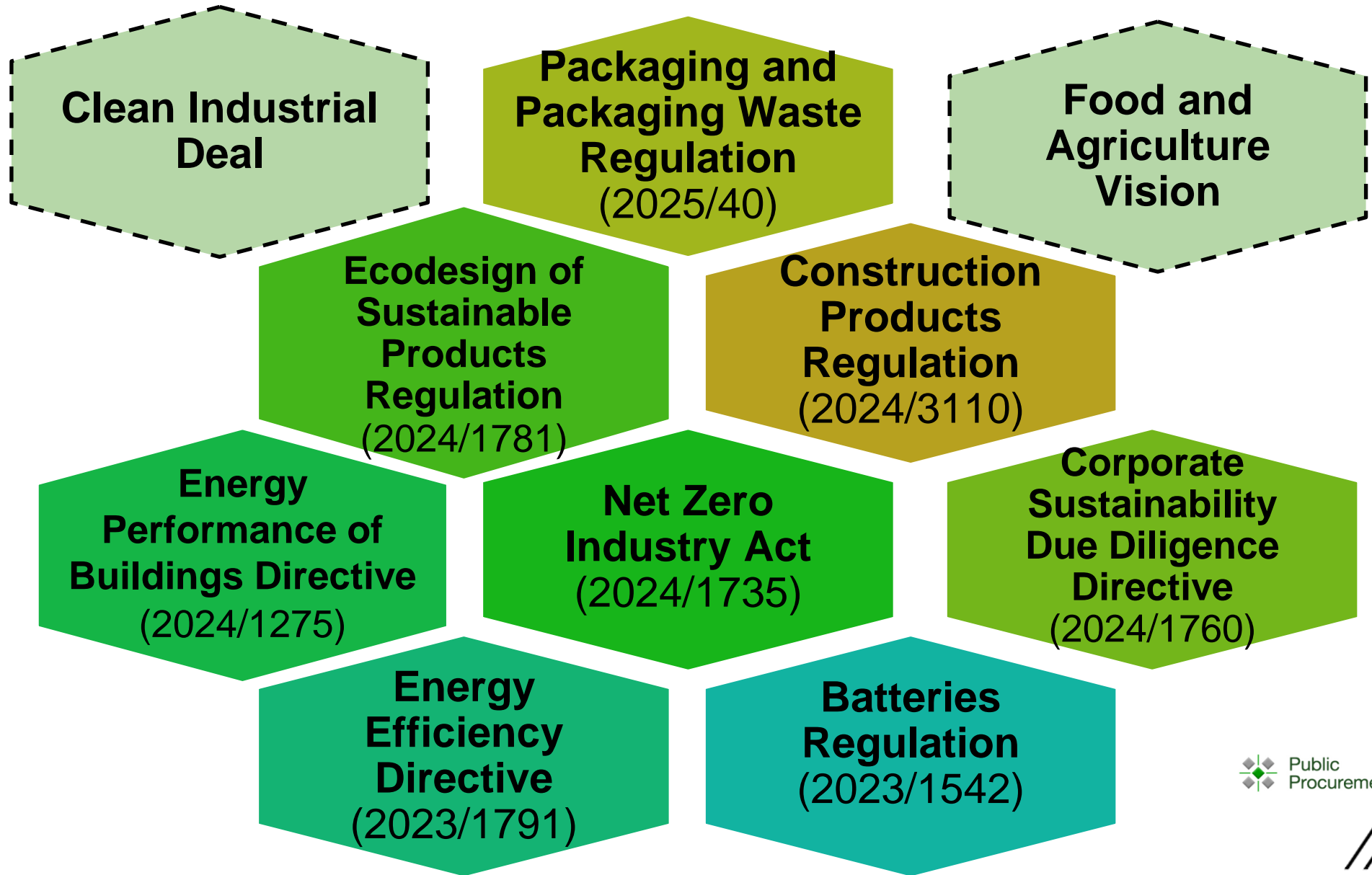
“I will propose a revision of the Public Procurement Directive. This will enable **preference to be given to European products** in public procurement for certain strategic sectors. It will help ensure EU added value for our citizens, along with **security of supply** for vital technologies, products and services. It will also **modernise and simplify** our public procurement rules, in particular with EU start-ups and innovators in mind.”



- Ursula von der Leyen, Europe's Choice: Political Guidelines for the next European Commission 2024-2029



○ Relevant EU legislation 2023-25



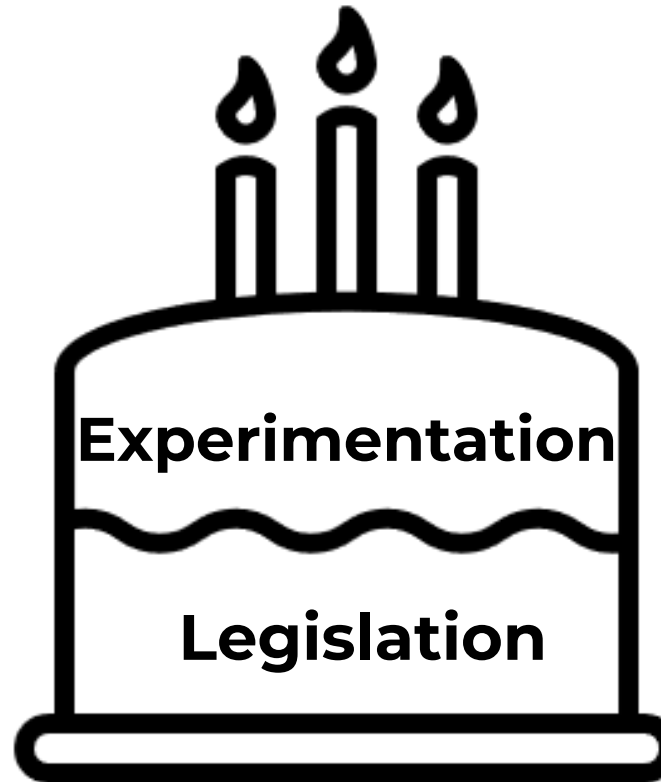
○ What does it mean in practice (I)

Legislation: Net Zero Industry Act (2024/1735) sets minimum requirements for 'resilience'

Experimentation: How can full life-cycle impacts be compared in tenders? Can EU suppliers offer competitive solutions?

Replication: Central or joint purchasing, building European economies of scale

Replication



Solar Panels



○ What does it mean in practice (II)

Legislation: EU Artificial Intelligence Act (2024/1689)

Experimentation: Can AI help inform procurement decisions (e.g. volumes of vaccines or PPE to order)?

Replication: Model contract clauses; scaling up; improving data sources



**AI for health
procurement**



○ Other developments...



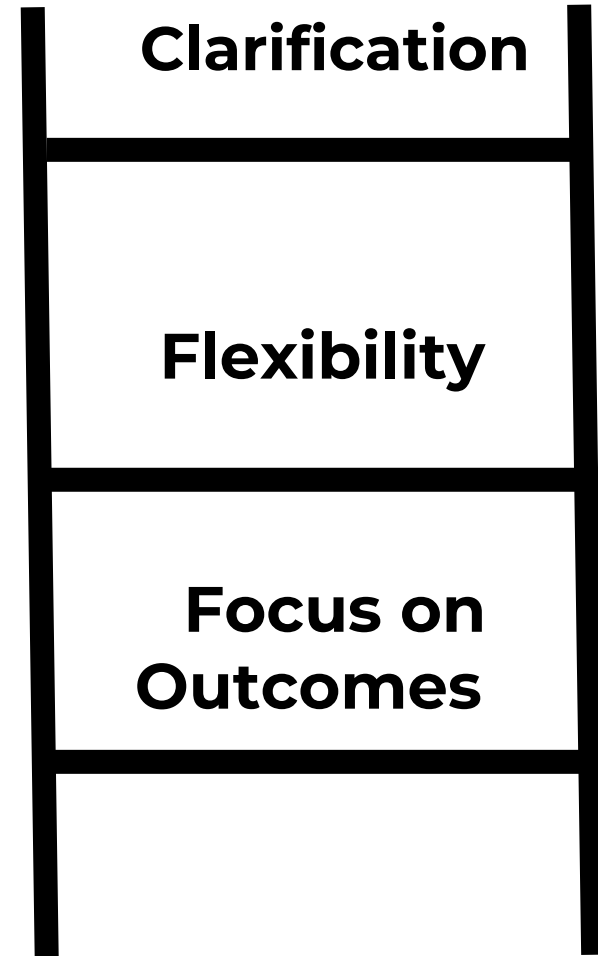
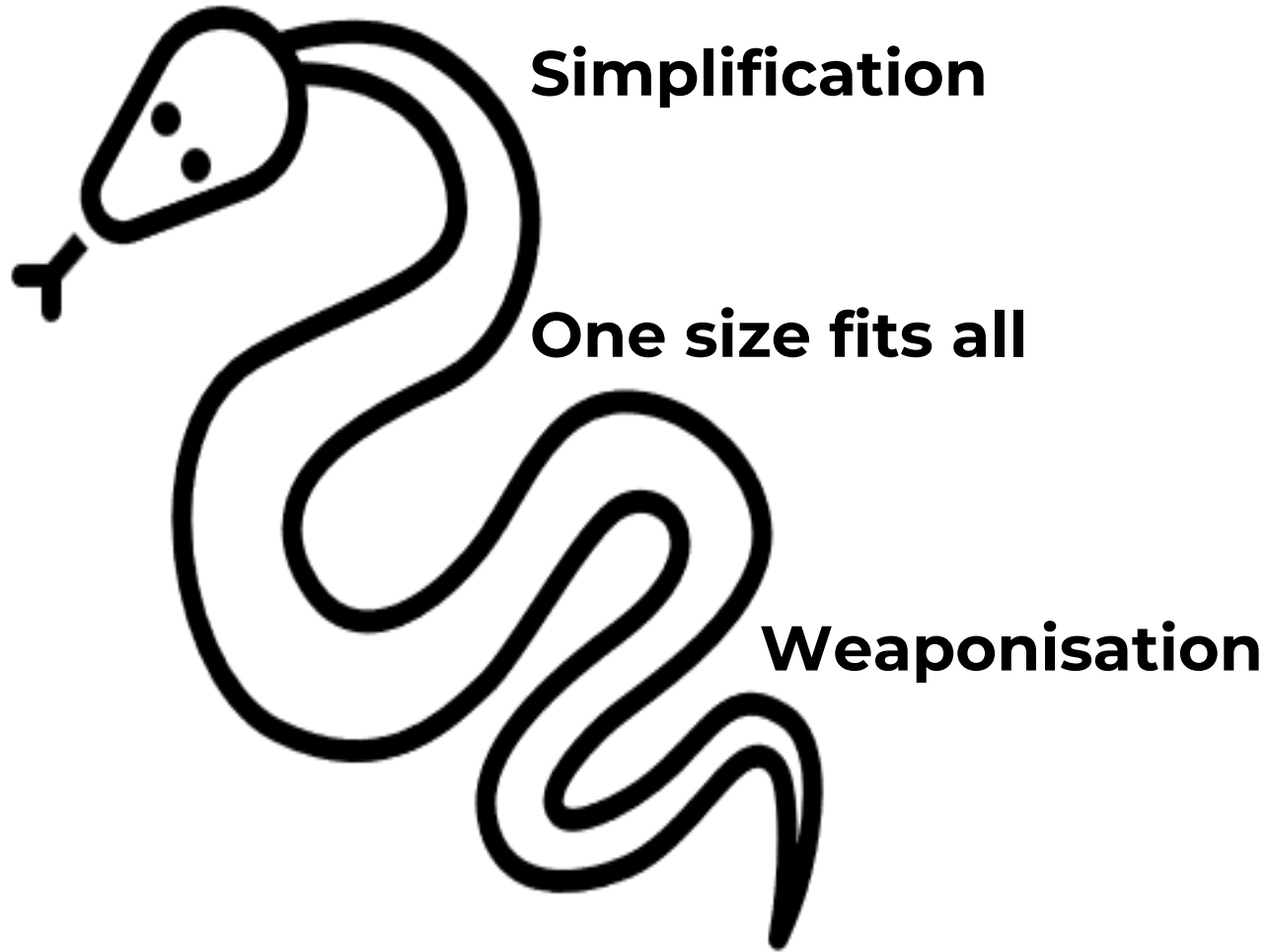
- **Increased defence spending** – this will put pressure on other procurement budgets and supply chains. But also create opportunities for innovation?
- **Kolin case** (C-652/22) and **Qingdao** (C-266/22) – the benefits of the single market don't extend to those outside of the club.
- **Tariffs/Trade wars** – procurement as a weapon or bargaining chip in wider negotiations



Evaluation of Public Procurement Directives



○ Snakes and ladders



○ How will we look back on this period?



OR



○ What will we be talking about next year?



- **Defence procurement** – how should the human and environmental impacts be addressed?
- **Weaponisation of procurement** – at what cost?
- **Adaptation clauses** – protecting procured assets and allowing contract changes, e.g. to move production or delivery sites, introduce more stringent emission limits etc.
- **New Directives** – can we achieve better regulation and learn from those with first-hand experience of procurement?



○ Over to you



Question 1: What is the biggest **opportunity** you see for SPP/innovation procurement over the next 3-5 years?



Question 2: What is the biggest **challenge**?



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THANK YOU

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