General Considerations on the Public Procurement Act Commission Proposal

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Considering the recent publication by the European Commission of the Public Procurement Act, the undersigned organisations have developed the following general considerations regarding the new legislative proposal. **Public food procurement** is a **key lever for achieving EU strategic goals**. Public money must be spent on public goods. Public food procurement represents an estimated €50 billion in annual EU spending across 250,000 public authorities. When approached strategically, it can improve access to healthy, nutritious meals; stimulate sustainable production models (including agroecological and organic systems); support small-scale producers and rural coastal economies; and promote fair wages, workers' rights, and high animal-welfare standards.

The new Public Procurement Act (PPA) proposal has introduced positive changes such as:

- The recognition of the **crucial role of resilient food systems and the importance of sustainability considerations in food procurement, as well as public health** (recital 24). Although not operative, this recognition is an important step in the right direction.

- **Art. 53 recognises the importance of food** by expressly naming **organic production**, **nutritional value**, and **health outcomes** alongside **freshness**, **seasonality**, **animal welfare**, and **fair remuneration.**

- The **Best Price-Quality Ratio (BPQR) becomes the mandatory award method**. Under the current Directive, contracts are awarded to the MEAT (Most Economically Advantageous Tender), an umbrella that in practice permitted heavy reliance on lowest price. By making BPQR the default and requiring **quality to carry at least 30% of the award weighting in all contracts, rising to at least 50% for labour-intensive contracts, the PPA marks a welcome move away from lowest-price awards**.

- The obligation for public buyers to **consider dividing contracts into lots** (art.100) **and the encouragement to engage in market consultations** (art.30) are key levers to further engage small-scale farmers and food producers in the public procurement market.

- The **increased support for capacity building and professionalisation of public procurers** (art.139), equips them to further integrate sustainability aspects into their work. This is a key instrument for implementing sustainable and strategic public food procurement.

Despite these improvements, the PPA also presents shortcomings that weaken the strategic and sustainability ambitions of the revision:

- The PPA's **sustainability architecture, composed of Chapters on green procurement and socially responsible procurement, remains largely voluntary**, built around environmental and social aspects that "may" be taken into consideration. Aware of the limited results of a voluntarist approach, the EU FPC calls for the progressive integration of mandatory sustainability criteria for public food procurement.

- **The recognition of food needs to be met with operational environmental and social criteria**. Although the centrality of food has been acknowledged, further backing ambitious contracting authorities, the EU FPC recommends operationalising the high-level principles in Article 53 by referring to the directly transposable sustainability criteria developed in the Joint Research Centre Report.

- The introduction of **Art.47 allows for direct award procedures for catering services**. While this simplifies the purchasing process, **the article withdraws food services from the quality safeguards built into the competitive award stage**.

- Although the EU FPC salutes the positive move away from the lowest price logic, the **Best Price -Quality Ratio presents some shortcomings** such as:

    - The **broad definition of "quality" (art.98)** bundles environmental and social considerations together with design quality, staff qualifications, innovation and delivery terms. Because all of these compete for the same minimum quality weighting, sustainability criteria can be diluted to a small fraction of the score (or disappear) even where the 30%/50% floor is met.

    - **The BPQR is weakened by a self-certification derogation** (art.98(5)), a "comply-or-explain" mechanism **allowing contracting authorities to opt out of the minimum quality weighting** simply by stating a justification, potentially bypassing genuine quality comparison between tenders.

    - The **quality rate for the awarding of the contract** (30% for goods and 50% for labour-intensive services) set by the PPA, which, according to the Impact Assessment, **could have been higher and therefore further ensure a sustainable and strategic use of public money**.

- The **Link to the Subject Matter has not substantially changed**. Art.90 codifies the "indirect link" and now expressly covers responsible sourcing and supply-chain transparency, and recital 40 recognises fair-trade origin, including a minimum price and premium to producers, as a legitimate criterion. But these richer examples remain in the recital, which is not legally binding.

- We **welcome the reinforced monitoring framework** (articles 134, 135 and 137). However, it tracks sustainability progress only in broad, cross-sector terms, leaving public food procurement invisible within aggregate figures. We call **for sectoral disaggregation of procurement data so food and catering can be monitored and progress measured in their own right**.

In line with its Manifesto for Sustainable Public Canteens Across Europe, the **EU Food Policy Coalition welcomes the recognition of food** within the Public Procurement Act as an important first step. But recognition without obligation will not change how public money is spent. **We call on the co-legislators to match this ambition with clear, binding sustainability requirements for public food procurement**, the measure that would finally turn public spending into a lever for healthier, fairer and more sustainable food systems.

Endorsing organisations: