



Your ref no: Ares(2025)9425851

Our ref no: 2026/0004

European Commission

DG GROW.C.2

Call for Evidence for the upcoming revision of EU rules on public procurement.

The Swedish Society for Nature Conservation (SSNC) welcomes the opportunity to provide feedback on the Call for evidence.

SSNC is a non-profit environmental organisation, working with more than 40 organisations around the world, with almost a quarter of a million members and more than 270 local associations. SSNC also runs the ecolabel Good environmental choice, an ISO 14024 Type I label (life cycle-based, independent, third-party label) that can be used as a resource-efficient tool in procurement.

SSNC believes that public procurement has the potential to drive the transition towards a more sustainable, climate-resilient, and resource-efficient society and economy - an economy within planetary boundaries. Today, the EU's material footprint per inhabitant is very high, and the extraction of materials and the life cycle of products places great strain on our common environment. Public funds should consistently be directed towards reduced environmental impact (climate, biodiversity, non-toxicity).

In this submission, SSNC presents key recommendations to strengthen the act and the key opportunity for sustainable resource use.

Conclusion key recommendations

- **Mandatory environmental criteria:** Make environmental sustainability mandatory in all procurement processes.
- **Ecolabelling:** Allow full ecolabel usage to simplify procurement and enhance sustainability.
- **Promoting circularity:** Drive circularity in procurement to reduce waste and spur innovation.



General comments

Studies on green public procurement (GPP) have shown it to be a powerful policy instrument for inciting the market to adapt to sustainability and promote innovation. A study commissioned by the Nordic Council of Ministers (Engström et al. 2024) concluded that public procurement was one of the policy instruments for sustainability with the highest potential for environmental gains as well as high feasibility in terms of implementation. According to a report published by the Swedish National Agency for Public Procurement (Upphandlingsmyndigheten), many Swedish companies and industry organizations have made progress in their sustainability efforts. The report also states that the business sector sees public procurement as a potential tool for strengthening long-term competitiveness (2024). Critics of including environmental criteria raise concerns of potentially increased costs of these initiatives. A valid concern. However, as Dalhammar and Lerie (2017) note in a report commissioned by the Swedish Competition Authority, in occurrence of higher prices, these tend to even out or even be lower than without environmental demands, as markets adapt. This effect is particularly evident with sufficient procurement volume and when including a life-cycle perspective. It can also be noted that, with the current high EU emphasis on competition, SME conditions, as well as administrative burdens, including sustainability criteria in public procurement can often be an opportunity for innovation and for inclusion of SMEs. Few SMEs can compete with large enterprises when facing solely price focused procurement, however, are better equipped when consideration is also taken to e.g. sustainability, quality and life-cycle cost.

SSNC strongly advocates for the integration of ambitious sustainability criteria across the directive to ensure that public spending aligns with EU Climate Law, Fit for 55, the Biodiversity Strategy, the Circular Economy Action Plan and the Clean Industrial Deal.

Specific comments

1. Mandatory environmental criteria

The Swedish Society for Nature Conservation calls for stronger and more clearly defined environmental criteria in the three procurement directives. As stated in the Clean Industrial Deal "Public procurement policies are a powerful instrument to help overcome barriers to market entry and to support sustainable and resilient industrial ecosystems, jobs and value creation in the EU. [...] non-price criteria for sustainability [...] can align national spending with the EU's broader decarbonisation and competitiveness agenda, ensuring that public spending benefits, innovation, sustainability, prosperity and creation of high-quality jobs." Currently, environmental considerations are encouraged but remain optional. According to Article 67(2) of Directive 2014/24/EU, "contracting authorities may



take into account qualitative, environmental, or social aspects in addition to price or cost". This non-mandatory language makes it easier for procurers to prioritize the lowest bid over sustainability, an aspect that The European Commission, in its 'New Circular Economy Action Plan for a Cleaner and More Competitive Europe' (2020) highlights as having "[...] reduced impact due to the limitations of voluntary approaches."

To ensure tangible effects, environmental criteria must be a requirement rather than an option. Otherwise, contracting authorities may face difficulties in securing funding for contracts prioritizing sustainability, since the most economically advantageous tender (MEAT) often is favoured over tenders with higher environmental benefits. If sustainability is merely a recommendation, it does not create a level playing field for sustainable solutions.

Mandatory environmental considerations do not necessarily entail prescribing exact measures but rather ensuring that all procurement decisions integrate sustainability considerations. An approach that has the potential to drive market transformation, encourage innovation, and align procurement with EU's climate, circular and biodiversity goals. Mandatory environmental considerations can definitely be designed as procedural requirements, thereby ensuring focus on how EU should procure, rather than what procuring entities shall procure.

The Swedish National Agency for Public Procurement's 2023 data reveals that only 10% of public procurement included environmental and sustainability requirements, with the most common being demands on environmental management systems (Upphandlingsmyndigheten 2024). The indication being that 90% of all procurements did not consider environmental aspects or lacked explicit information on such criteria. This shows that if environmental considerations remain voluntary, the directive risks failing to support the green transition effectively.

EU legislation such as the Ecodesign Directive and the Extended Producer Responsibility (EPR) should serve as strong policy instruments steering also public procurement and the market towards products that are easier to recycle e.g. using eco-modulated fees that reward products with the desired characteristics, namely, products that are durable, used for a long time and easy to recycle. While the Commission highlights this as a baseline in the background section, there is considerable pressure for simplifications that risk undermining the full potential of the circular economy. To ensure a safe use and circulation of products and materials, the principles of the Chemicals Strategy for Sustainability should also be considered which e.g. includes enhancing access to information on substances of concern, ensuring traceability of chemicals embedded in products and where possible, ban the most harmful chemicals. The latter to rapidly increase European material stocks suitable for reuse and recycling.

2. Ecolabelling

The use of independent Type 1 ecolabels, classified under ISO 14024, has great potential to enable procurers to make more sustainable choices in an efficient and



transparent manner, especially when combined with GPP (Leire et al. 2015). Ecolabel provides clear, credible criteria for sustainable procurement and can significantly reduce the administrative burden for procuring entities by outsourcing the assessment of products and services environmental impact to independent third parties. Additionally, they can facilitate follow-up processes, ensuring that sustainability requirements are, and continue to be met.

The EU rightly allows ecolabelling in public procurement under article 43 of Directive 2014/24/EU, ensuring sustainability in purchasing decisions. However, member state applying restrictions of referencing ecolabels in full create unnecessary administrative burdens, forcing procurers to extract relevant criteria manually. Additionally, while social and environmental factors can be considered, authorities are limited in requiring broader corporate responsibility policies, even when relevant.

To strengthen sustainable procurement, the EU should remove these limitations, allow full ecolabel use, and ensure that fair trade and environmental criteria can be fully integrated. This would simplify procurement, enhance efficiency, and reinforce sustainability commitments across Europe. Nordic experiences with e.g. the Swan (Svanen) and EU Ecolabel demonstrate that credible ecolabels can be an effective tool for sustainability with potential of benefiting both businesses and public authorities. Small companies in Nordic communities have successfully used labels to access new markets, improved efficiency and gain consumer trust (Gíslason 2012). SMEs access to public procurement can be improved thorough ecolabels as the criteria apply equally to SMEs and large enterprises and SMEs can leverage ecolabels as a competitive advantage to stand out in the market (Gíslason 2024). Unlike larger firms, SMEs often have greater oversight of their supply chains and production processes. Allowing easier adaptation to requirements under ecolabels. Case studies on Nordic SMEs show that obtaining an ecolabel can increase market access and create long term business opportunities (Gíslason 2012). Combined with the EU stated goal of splitting larger contracts into smaller, more accessible lots to benefit SMEs, there is great potential to promote a more sustainable and competitive single market.

3. Promoting circularity

Public procurement can play a key role in advancing the circular economy by promoting resource efficiency, sustainable product life cycles and waste reduction. The EU Circular Economy Action Plan (CEAP) 2020 highlights the role of public procurement in fostering and promoting sustainable production and consumption, emphasizing the need for mandatory circularity criteria in procurement processes. To achieve the climate and environmental goals defined by the EU, procurement must go beyond lowest-price selection and fully utilize life cycle costing (LCC), outlined in Article 68 of Directive 2014/24/EU.

Furthermore, setting clear requirements for reused, remanufactured, or recycled materials in procurement can accelerate circular business models and reduce waste generation. The integration of circularity into procurement processes has the potential of reducing environmental impact, cut long-term costs and drive



innovation (Sönnichsen & Clement, 2020). A report by the Confederation of Swedish Enterprise (Svenskt Näringsliv) highlights the potential of public procurement in driving the transition to a circular economy (Svenskt Näringsliv 2024). To achieve this the public sector needs a more strategic and coordinated effort to implement shared criteria that support circularity. Requiring durable and repairable products, leasing instead of purchasing, adopting circular services such as leasing office furniture with take back services or procuring refurbished IT products with accompanying repair contracts are solid examples of this.

We'd like to point out that current provision e.g. articles 42 and 67, limit the adoption of circular solutions by not sufficiently emphasizing reuse or recycling. Technical specifications and awarding criteria often favour single-use, newly produced items and absent or unclear guidelines for life-cycle costing also diminish incentives to demand or develop circular business models. The focus should be placed on products and services that are resource-efficient and waste-minimizing, including requirements related to repairability and upgrade potential. The reform should support the transition to a circular economy and ensure better alignment with overarching environmental objectives.

This response has been developed by the Department of Sustainable Consumption at SSNC, mainly by Karin Kruse (Policy advisor), with the aid of Lanja Rashid (Head of Unit) and Sofie E Munteanu (Director of Department).

For Swedish Society of Nature Conservation

Gothenburg, January 26, 2026

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Appendix A – List of References

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