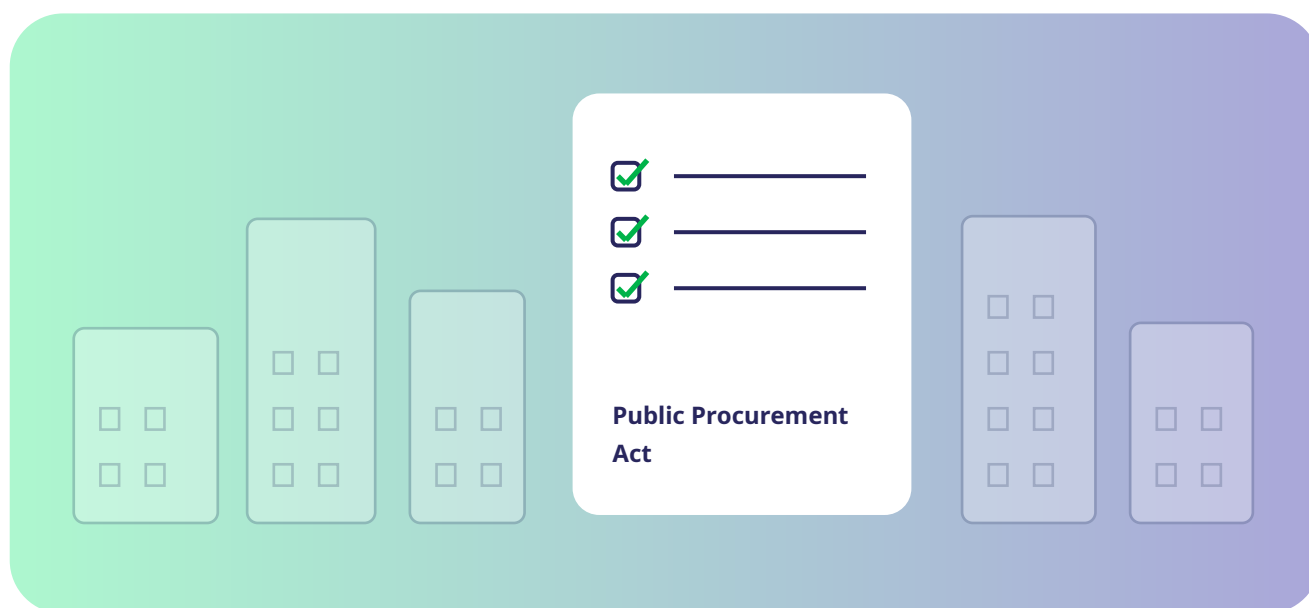


Public procurement and sustainability

Overview of sustainability-related changes
and implications for Czech public buyers and suppliers



Green public procurement
and socially responsible public procurement

Sources

European Commission, Proposal for a Regulation of the European Parliament and of the Council on public contracts and concessions, COM(2026) 590 final, Brussels, 9 September 2026.

European Commission, Annexes 1 to 8 to the Proposal for a Regulation on public contracts and concessions, COM(2026) 590 final, Brussels, 9 September 2026.

Note: The PPA proposal is a proposal for an EU legislative act. Its numbering, wording and substantive content may change during the legislative process.

NOTICE: Parts of this document are prepared with the support of generative AI. The final text undergoes expert editing and supplementation, followed by review and editorial approval; Czech BCSD is responsible for its content.

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English edition – terminology note: Procurement terms follow the English PPA proposal. Obvious misidentifications in the source are corrected: EED is a Directive; the battery scope statement refers to the Batteries Regulation; heavy-duty vehicles refer to Regulation (EU) 2019/1242 and tyres to Regulation (EU) 2020/740. Other source content, including its repeated DPP paragraph and forward-looking estimates, is retained.

Executive summary

The proposal for a Regulation of the European Parliament and of the Council on public contracts and concessions of 9 September 2026 replaces the three 2014 procurement directives with a single, directly applicable Regulation. In sustainability terms, this goes beyond consolidation. The proposal changes the legal architecture so that environmental and social considerations extend throughout the contract life cycle: from planning and specifications through selection and award to contract performance, checks and systemic monitoring.

- Sustainability becomes an explicit strategic objective of public procurement. Alongside competitiveness, Article 5 includes environmental and climate objectives, social fairness, fair working conditions and an inclusive society.
- A dedicated green chapter in Articles 50–54 defines green procurement, expressly addresses circularity, energy efficiency and sustainable food, and establishes a framework for mandatory product requirements.
- A dedicated social chapter in Articles 55–58 brings together socially responsible procurement, particularly social inclusion, quality jobs, accessibility, education, gender equality, the social economy and protection of human rights in supply chains.
- Some elements remain optional (introduced by “may” in the English text), whereas energy efficiency, accessibility, compliance with environmental, social and labour law, and minimum quality weighting include mandatory rules (introduced by “shall”).
- Price-only evaluation is restricted: quality criteria must normally account for at least 30% of points, or at least 50% for labour-intensive contracts. A derogation is possible where quality is ensured by specifications or contract conditions and the public buyer indicates this.
- The link to the subject-matter of the contract extends across the entire life cycle and expressly allows working conditions, responsible sourcing and supply-chain transparency to be considered.
- Annex VII centralises eight sectoral regimes. The Commission may specify mandatory environmental characteristics and update the list through delegated acts.
- Annex II retains and consolidates core ILO conventions and key international environmental conventions as the reference minimum for contract performance and exclusion of economic operators.

The PPA proposal substantially strengthens the legal framework and tools for sustainable procurement. The most significant change is a connected system: strategic objectives, minimum legal standards, dedicated green and social chapters, mandatory energy efficiency and accessibility, green product requirements, greater quality weighting, life-cycle considerations, digital evidence, contract management and national monitoring.

For practical implementation, it is essential to translate general objectives into measurable conditions, methodologies, standards and tools, while continuously tracking subsequent delegated Regulations (acts) and updates to Annex VII to the PPA proposal.

EXTRACT: “Public procurement shall be guided by the strategic policy objectives of the Union.”
Meaning: Public procurement is guided by the Union’s strategic policy objectives.
PPA proposal, Article 5

Scope, sources and relationship with the current legal framework

The analysis below draws on the proposal for a Regulation of the European Parliament and of the Council on public contracts and concessions, COM(2026) 590 final, and the document ANNEXES 1 to 8, known as the Public Procurement Act; see *Proposal for a regulation on public contracts and concessions – Internal Market, Industry, Entrepreneurship and SMEs* (the “PPA proposal”).

The quoted English passages appear in boxes with a precise reference to the article, paragraph or annex. In the Czech source, the Czech wording of the extracts is a working translation; the legally binding wording only arises upon adoption and publication of the Regulation in all official languages.

The term “change” is used here in two senses:

- new or substantially expanded provisions compared with the 2014 procurement directives;
- the systematic relocation of sectoral rules into a single Regulation.

The correlation table in Annex VIII to the PPA proposal distinguishes entirely new provisions from those based on the existing directives.

Type of rule	Practical significance
Public buyer’s obligation	“Shall”. The public buyer must comply unless a derogation is provided.
Public buyer’s option	“May”. The proposal establishes a secure legal basis, but does not itself require the criterion to be used.
Commission obligation / empowerment	A delegated or implementing act may harmonise and specify future mandatory parameters.
Minimum legal standard	Mere legal compliance is not, in itself, regarded as green or socially responsible procurement.

The fundamental systemic change

A single, directly applicable Regulation

Article 146 repeals Directives 2014/23/EU, 2014/24/EU and 2014/25/EU. Unlike a directive, the Regulation under the PPA proposal applies directly, reducing differences arising from national transposition. This significantly accelerates the introduction of the new rules, as there is no need to await transposition into national legal systems. Under Article 149 of the PPA proposal, it is to apply two years after entry into force; realistically, the indicative earliest date is the second half of 2029.

From the lowest price to best quality for public money

The new overarching principle is “best quality for public money”. This goes beyond renaming the most economically advantageous tender: the principle is connected with mandatory minimum quality weighting, strategic objectives and a broader life-cycle approach, as explained below.

EXTRACT: “Procurement shall be guided by the principle of best quality for public money.”
Meaning: Procurement is guided by the principle of best quality for public money.
PPA proposal, Article 4(1)

Sustainability within the fundamental principles

The public buyer must take appropriate measures to ensure that economic operators performing a contract comply with obligations under environmental, social and labour law arising from EU law, national law, collective agreements and the conventions in Annex II. The PPA proposal thus makes sustainability compliance during performance a horizontal obligation, rather than merely a possible subject of award criteria.

EXTRACT: “Public buyers shall take appropriate measures to ensure that [...] economic operators comply with applicable obligations.”
Meaning: Public buyers take appropriate measures to ensure that economic operators comply with applicable obligations.
PPA proposal, Article 4(4)

Green public procurement

A new legal definition and six environmental objectives

For the first time, Article 50 consolidates a horizontal definition of green public procurement within procurement legislation. Public buyers may consider impacts throughout the life cycle and pursue six objectives reflecting the EU's environmental approach: climate change mitigation; adaptation and climate resilience; water and marine resources; the circular economy, including the bioeconomy; pollution prevention; and biodiversity and ecosystems. These are the same criteria included in the EU classification system for sustainable investment under Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (the "EU Taxonomy").

The use of environmental considerations under Article 50(1)–(3) of the PPA proposal is generally optional. They may be incorporated into specifications, selection criteria, award criteria and contract conditions, subject to the principles and the link to the subject-matter of the contract.

EXTRACT: "Mere compliance with general minimum environmental obligations [...] shall not by itself be considered 'green public procurement'."
Meaning: Mere compliance with general minimum environmental obligations is not, in itself, green procurement.
PPA proposal, Article 50(4)

3.2 Circular economy and resource efficiency

According to the correlation table, Article 51 is entirely new. It expressly allows requirements and criteria concerning durability, reparability, upgradeability, reuse, refurbishment, remanufacturing, recycled content, secondary raw materials, waste prevention and preparing for reuse. Public buyers may purchase refurbished, remanufactured or used products and use product-as-a-service, leasing, sharing or rental models.

EXTRACT: "Public buyers may also consider circular business models, including product-as-a-service, leasing, sharing or rental solutions."
Meaning: Public buyers may consider circular business models, including product-as-a-service, leasing, sharing or rental.
PPA proposal, Article 51

3.3 Energy efficiency as an obligation

Article 52 of the PPA proposal transfers and centralises the rules of the Energy Efficiency Directive. Public buyers must purchase only products, services and works with high energy efficiency performance, unless this is not technically feasible. This obligation also covers new products purchased by a provider to perform a service.

When purchasing a building or entering into a new rental agreement, at least the EU Taxonomy technical screening criteria for a substantial contribution to climate change mitigation under Section 7.7 of Annex I to Delegated Regulation (EU) 2021/2139 must be met, where the criteria are available. Derogations apply to deep renovation or demolition and to buildings protected for their heritage or architectural value. This is an explicit link between procurement and

the EU Taxonomy, rather than a general requirement for full Taxonomy eligibility or compliance with the “do no significant harm” (DNSH) principle.

EXTRACT: “Public buyers shall [...] purchase only products, services and works with a high energy efficiency performance, unless this is not technically feasible.”

Meaning: Public buyers purchase only highly energy-efficient products, services and works, unless this is not technically feasible.

PPA proposal, Article 52(1)

3.4 Sustainable food procurement

New Article 53 of the PPA proposal allows consideration of fairness and transparency in the food supply chain, including fair remuneration of farmers; organisation of the chain; organic production and quality schemes; nutritional value and health effects; freshness and seasonality; and animal welfare. This is an option, rather than an automatic obligation, and requirements must be linked to the subject-matter of the contract.

EXTRACT: “The food-specific considerations [...] may relate [...] to a fair remuneration of the farmers involved.”

Meaning: Considerations may include fair remuneration of farmers involved in producing the food purchased.

PPA proposal, Article 53(2), point (a)

3.5 Mandatory green requirements for selected products

Article 54 of the PPA proposal is a key shift from voluntary action towards structured obligations. For products, product families and technologies subject to the acts listed in Annex VII, public buyers must require the environmental characteristics they consider appropriate. Those characteristics must be based on the classes, performance levels, thresholds or requirements contained in the relevant sectoral act.

The European Commission may specify, through delegated Regulations, characteristics that public buyers must then require. In setting them, it considers public purchasing volumes, demand for more sustainable and low-carbon solutions, economic feasibility, market availability and competition. The derogations under Article 54(3) of the PPA proposal are narrow: a single supplier with no reasonable alternative, disproportionate costs or technical incompatibility. They apply only to characteristics specified by a delegated act under paragraph 2, rather than to the general obligation in paragraph 1. See Section 7.3 below and Annex 1 to this Analysis.

Socially responsible public procurement

4.1 A new horizontal definition

Article 55 of the PPA proposal consolidates social objectives within a single horizontal framework. Public buyers may prevent adverse social impacts or deliver positive outcomes throughout the life cycle of supplies, services and works. The areas include:

- social inclusion and labour market integration of persons with disabilities and disadvantaged persons;
- quality jobs, collective bargaining and better working conditions, particularly for vulnerable workers;
- accessibility and universal design beyond statutory minimum requirements;
- education, upskilling and reskilling of workers;
- gender equality and non-discrimination;
- the social economy and, where appropriate, social and affordable housing;
- effective protection of human rights in relevant supply chains.

As with green procurement, the general use of social considerations is optional and must be transparent, non-discriminatory, proportionate and linked to the subject-matter of the contract. Mere legal compliance is not regarded as socially responsible procurement.

EXTRACT: "The mere compliance with applicable labour and social law obligations [...] shall not by itself be considered socially responsible public procurement."

*Meaning: Mere compliance with labour and social law obligations is not, in itself, socially responsible procurement.
PPA proposal, Article 55(4)*

4.2 Accessibility and design for all

Article 56 of the PPA proposal lays down a mandatory rule for all supplies, services and works intended for use by natural persons: except in duly justified cases, public buyers must require accessibility for persons with disabilities and take account of design for all. For products and services within the scope of the European Accessibility Act, specifications refer to its Annex I.

EXTRACT: "Public buyers shall, except in duly justified cases, require their accessibility for persons with disabilities."

*Meaning: Except in duly justified cases, public buyers must require accessibility for persons with disabilities.
PPA proposal, Article 56(1)*

4.3 Reserved contracts

Article 57 of the PPA proposal retains reservations for organisations integrating persons with disabilities or disadvantaged persons, provided that these workers account for at least 30% of their workforce, and adds an explicit condition protecting their labour rights. The second form of reservation concerns social security services in Annex VI and non-profit organisations whose surplus is reinvested in public-interest social services.

4.4 Social, health and educational services

Article 58 of the PPA proposal allows national procedural regimes, but requires transparency, equal treatment and substantive quality requirements. Public buyers must consider the quality, continuity, accessibility, affordability, availability and comprehensiveness of services, user involvement and empowerment, and the right of persons with disabilities to self-determination.

EXTRACT: "Public buyers [...] shall take into account [...] quality, continuity, accessibility [...] affordability, availability and comprehensiveness of the services."

Meaning: Public buyers take account of the quality, continuity, accessibility, affordability, availability and comprehensiveness of services.

PPA proposal, Article 58(2)

Integrating sustainability throughout the procurement cycle

The PPA proposal comprehensively incorporates sustainability throughout the procurement cycle.

Stage / tool	Change and significance	PPA provision
Planning and market consultations	Strategic objectives apply when needs are defined; functional requirements and variants enable innovative and sustainable solutions.	Arts 5, 30, 88–89
Specifications	Primarily functional requirements; production processes and strategic considerations may be used.	Art. 88
Link to the subject-matter	Expressly includes the full life cycle, working conditions, responsible sourcing and supply-chain transparency.	Art. 90
Labels	Environmental and social labels; priority to the EU Ecolabel, otherwise a third-party-verified life-cycle ecolabel.	Art. 91
Means of proof	Digital product passport, declarations of conformity, certificates and equivalent evidence.	Art. 92
Award	Best price-quality ratio; quality weighting of at least 30%, or 50% for labour-intensive contracts.	Art. 98
Life-cycle costing	Use, energy, maintenance, end of life and monetised environmental externalities.	Art. 99
Abnormally low tenders	The price must include labour, working conditions, materials, logistics and other requirements.	Art. 101
Contract performance	Responsible waste management, due diligence, reporting, fair conditions, occupational health and safety, and human rights.	Art. 104
Performance management	Performance-based payment adjustments may be linked to quality objectives.	Art. 105

5.1 A broader link to the subject-matter of the contract

Article 90 of the PPA proposal is crucial for sustainability. It allows both direct and indirect links and expressly includes any stage of the life cycle covered by the contract. Social criteria concerning the economic operator, and potentially relevant parts of its supply chain, therefore need not be a physical characteristic of the product, but must specifically relate to its preparation, production or another relevant stage.

*EXTRACT: "The link to the subject-matter may be either direct [...] or indirect."
Meaning: The link to the subject-matter may be direct or indirect.
PPA proposal, Article 90(2)*

5.2 Labels and the EU Ecolabel

Public buyers may require a specific environmental or social label where the criteria are objective, non-discriminatory, transparently developed, accessible and established by an independent third party. They must accept equivalent labels and, under specified conditions, other evidence. The EU Ecolabel should be used where criteria exist for the subject-matter concerned; otherwise a third-party-verified ecolabel based on the life cycle should be used.

5.3 The digital product passport as a means of proof

Article 92 of the PPA proposal expressly links procurement with the digital product passport (“DPP”). A DPP may contain a declaration of conformity, a declaration of performance and conformity, or an environmental product declaration, and may serve as evidence of compliance with specifications, award criteria and contract conditions. This creates a legal bridge between product regulation and verification of tenders.

Article 92 of the PPA proposal expressly links procurement with the digital product passport (“DPP”). A DPP may contain a declaration of conformity or a declaration of performance and conformity and serve as evidence of compliance with specifications, award criteria and contract conditions. It thus creates a legal and data bridge between product regulation and demonstrating compliance in a tender; however, it does not itself replace conformity assessment, test reports or certification where these are required.

*EXTRACT: “Public buyers may require [...] a declaration [...] through the digital product passport.”
Meaning: Public buyers may require a declaration through the digital product passport.
PPA proposal, Article 92(1)*

5.4 Mandatory quality weighting

Article 98 of the PPA proposal fundamentally changes the default approach to evaluation. Under the “best price-quality ratio” (“BPQR”) rule, quality means technical, environmental, climate-related, food-specific, social, innovation, security or resilience outcomes. The standard minimum is 30% of points; for a labour-intensive contract, where labour typically represents at least 50% of its value, the minimum quality weighting is 50%. Life-cycle costs and sectoral environmental criteria count towards this weighting.

A derogation is possible where the public buyer ensures quality through specifications, contract conditions or a combination of these with quality criteria, and explains the approach in the public summary of competition under the “comply or explain” rule. This is therefore not an absolute prohibition on price as the sole numerical criterion, but an obligation to demonstrate that quality is legally ensured by other means.

*EXTRACT: “The weight of quality criteria shall represent at least 30 % [...] [and] at least 50 % [...] for labour-intensive [contracts].”
Meaning: Quality weighting is at least 30%, or at least 50% for labour-intensive contracts.
PPA proposal, Article 98(4)*

5.5 Life-cycle costing

Article 99 of the PPA proposal retains the voluntary use of life-cycle costing (“LCC”), but clarifies its scope: purchase and use costs, consumption of energy and resources, maintenance, collection and recycling, and monetisable environmental and climate externalities, including emissions of greenhouse gases and other pollutants. For methods of valuing environmental and climate externalities, Article 99 expressly requires accessibility to all interested parties and a basis in objectively verifiable and non-discriminatory criteria.

5.6 Contract conditions and performance management

Article 104 of the PPA proposal expressly lists environmental and social contract conditions: waste management, due diligence and reporting, circularity requirements, fair working conditions including remuneration and occupational health and safety (“OHS”), and processes to prevent and mitigate human rights impacts. Article 105 allows performance-based payment adjustments linked to quality and performance objectives.

EXTRACT: “Those conditions may [...] include conditions related to strategic considerations.”
Meaning: Contract conditions may include conditions linked to strategic considerations.
PPA proposal, Article 104(2)

Compliance, exclusion and the supply chain

6.1 Mandatory and discretionary grounds for exclusion

Article 25 of the PPA proposal adds final convictions for environmental offences, trafficking in human beings and illegal employment of third-country nationals to the mandatory grounds. Article 26(1), point (a), allows exclusion where the public buyer demonstrates, by appropriate means, a breach of relevant obligations under Article 4(4). The possibility of remedial measures and the principle of proportionality apply.

6.2 Subcontractors

The main contractor must identify intended subcontracting and, in specified categories, the subcontractors. A subcontractor subject to a mandatory ground for exclusion must be replaced; for a discretionary ground, the public buyer may require replacement. Member States may adopt proportionate restrictions on subcontracting in sectors with a demonstrated higher risk of non-compliance with social and labour law.

6.3 Abnormally low tender prices

For an abnormally low tender price, the public buyer must request an explanation. The reference price includes labour costs and working conditions, materials, logistics, other contractual requirements and the life cycle. An unsatisfactory explanation leads to mandatory rejection of the tender; the article therefore strengthens enforcement of minimum social and environmental standards.

The proposal's annexes and their relevance to sustainability

The following is an overview of all annexes to the PPA proposal, with a brief description of their content and relevance.

Annex	Content	Relevance to sustainability (PPA references)
I	Central government authorities	Defines the entities; for Czechia, includes ministries and other central institutions. Adds no substantive sustainability criteria.
II	International environmental, social and labour law conventions	Direct reference framework for Articles 4(4), 50(4) and 55(4).
III	EU procedures and acts for special or exclusive rights	Primarily institutional; no separate new sustainability criteria.
IV	Categories of services and works	Defines the substantive scope; does not constitute a separate sustainability standard.
V	Information in notices and summaries	Transparency supports scrutiny of strategic requirements and outcomes.
VI	Social, health, educational and other specific services	Defines the scope of Articles 57 and 58 and the special social regime.
VII	Eight EU product-related legal acts	Basis for mandatory green requirements under Article 54, which may be specified through delegated acts.
VIII	Correlation table and transfer of sectoral rules	Shows continuity with the 2014 framework and transfers from other legislation into the new Regulation.

7.1 Annex II

Annex II to the PPA proposal contains eight International Labour Organization conventions. They concern freedom of association, collective bargaining, the prohibition of forced labour, minimum age, non-discrimination, equal remuneration and the worst forms of child labour. The environmental section includes the Vienna Convention and the Montreal Protocol, the Basel Convention, the Stockholm Convention on Persistent Organic Pollutants, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

EXTRACT: "List of international environmental, social and labour law conventions referred to in Articles 4(4), 50(4) and 55(4)."
Meaning: List of international environmental, social and labour law conventions.
PPA proposal, Annex II, heading

7.2 Annex VI

Annex VI uses CPV codes to define services of a social nature, particularly health, social and related services; administrative social, educational, healthcare and cultural services; compulsory social security; certain community services; and other specific services. Its practical significance is to define the scope of reservations under Article 57(2) and the special regime under Article 58 of the PPA proposal.

7.3 Annex VII

No.	Legal act	Subject	Products or technologies
1	Regulation (EU) 2024/3110	Construction products	Construction products and product families
2	Regulation (EU) 2024/1781	Ecodesign for sustainable products and digital product passports (DPP)	Products subject to ecodesign requirements for sustainable products
3	Regulation (EU) 2023/1542	Batteries and waste batteries	Batteries and their categories
4	Regulation (EU) 2025/40	Packaging and packaging waste	Packaging and its categories
5	Regulation (EU) 2024/1735	Manufacturing of net-zero technologies	Net-zero technologies and their products and components
6	Regulation (EU) 2019/1242	CO ₂ emission performance of new heavy-duty vehicles	New heavy-duty vehicles
7	Regulation (EU) 2019/631	CO ₂ emission performance of cars and light commercial vehicles	New passenger cars and new light commercial vehicles
8	Regulation (EU) 2020/740	Tyre labelling	Tyres for passenger cars, light commercial vehicles and heavy-duty vehicles

The list is not static. Article 54(4) of the PPA proposal allows the Commission to add new EU acts laying down environmental or climate requirements for placing products or technologies on the market. Public buyers therefore need to continuously monitor the Regulation itself, delegated acts and updates to Annex VII.

A more detailed list of the products covered by this annex appears in Annex 1 to this Analysis.

7.4 Annex VIII and the transfer of sectoral rules

Part A of the correlation table shows that Articles 5, 51, 53, 90, 92 and 105 of the PPA proposal have no direct equivalent in all or any of the current procurement directives. Part B maps deleted sectoral provisions to the new horizontal articles. The purpose is to remove fragmentation and consolidate procurement aspects in a single legal act.

Amendments to other legislation under Article 147 of the PPA proposal

The following are proposed amendments to other legislation applicable in the EU.

Legislation	Deletion / amendment under the PPA proposal	New PPA rules
Ecodesign for Sustainable Products Regulation (ESPR) – 2024/1781	Article 65 and Article 74(3), point (b)	Article 54 and Article 26(1), point (a)
Net-Zero Industry Act (NZIA) – 2024/1735	Article 25(4) and (5); derogation added for auctions under Article 26	Article 54
Batteries and Waste Batteries Regulation (EUBR) – 2023/1542	Article 85	Article 54
Construction Products Regulation (CPR) – 2024/3110	Article 83	Article 54
Packaging and Packaging Waste Regulation (PPWR) – 2025/40	Article 63	Article 54
Energy Efficiency Directive (EED) – 2023/1791	Article 7 and Annex IV	Article 52
Waste Framework Directive (WFD) – 2008/98/EC	The words “procurement criteria” deleted from Article 11(1)	Circularity consolidated primarily in Article 51
Critical Raw Materials Act (CRMA) – 2024/1252	Article 26(1), point (d), replaced; procurement provisions transferred	Article 51
European Accessibility Act (EAA) – 2019/882	Article 24(1)	Article 56
Women on Boards Directive (WBD) – 2022/2381	Article 8(3)	Article 4(4)

Legislation	Deletion / amendment under the PPA proposal	New PPA rules
Cyber Resilience Act – 2024/2847	Article 5	Article 68
Corporate Sustainability Due Diligence Directive (CSDDD) – 2024/1760	Article 31	Article 55
Waste Shipments Regulation (WSR) – 2024/1157	Article 63(3), point (c)	Article 26(1), point (a)

These amendments are significant: the obligations are not necessarily removed in substance; rather, their procurement component is consolidated in the PPA proposal. Practical interpretation must therefore always check Article 147, the correlation table and the new horizontal article.

Relationship between the PPA and the proposed Industrial Accelerator Act

The PPA proposal provides a horizontal framework for public procurement, while the proposed Industrial Accelerator Act (“IAA”) may establish specific requirements for strategic sectors, particularly rules on European origin and low-carbon products.

The general PPA rules apply unless sectoral legislation provides otherwise. In practice, it is therefore necessary to follow both legislative processes in parallel and align methodologies, particularly the definition of a low-carbon product, system boundaries, the use of primary and secondary data, emission factors, recycled content and verification methods. The PPA itself does not establish a uniform methodology for calculating carbon (emissions) footprints or a hierarchy of emissions data.

EXTRACT: “References to Article 85 of Regulation (EU) 2023/1542 shall be construed as references to Article 54 of this Regulation.”

Meaning: References to Article 85 of the Batteries Regulation are treated as references to Article 54 of the PPA. PPA proposal, Article 147, point (3)

Mandatory and voluntary provisions

Topic	Nature	Note (PPA references)
Strategic objectives	Binding guiding principles	Procurement is guided by these objectives; specific application depends on subsequent articles.
General green considerations	Optional	Article 50(1)–(3) uses “may”.
Circularity criteria	Optional	Article 51 allows a broad range of solutions.
High energy efficiency	Mandatory, subject to a derogation	Derogation: technical infeasibility; specific derogations for buildings.
Food sustainability	Optional	Subject to a link to the subject-matter of the contract.
Products in Annex VII	Mandatory	Appropriate sectoral environmental characteristics must be required.
General social considerations	Optional	Article 55 uses “may”.
Accessibility	Mandatory, with a duly justified derogation	For supplies, services and works intended for use by natural persons.
Reserved contracts	Optional	Under precisely specified conditions.
Quality in contract award	Mandatory minimum or alternative quality assurance	30% or 50%, with an explained derogation under Article 98(5).
Life-cycle costing (LCC)	Optional	If used, the methodological conditions of Article 99 apply.
Legal compliance during performance	Mandatory	Article 4(4).
Monitoring strategic objectives	Member States’ obligation	Annual publication of results and reporting to the Commission every three years.

Systemic monitoring and professionalisation

Article 137 of the PPA proposal requires Member States to evaluate progress in achieving strategic objectives, including environmental, social and innovation considerations. Results are published at least annually; structural shortcomings trigger a national action plan. A report is submitted to the European Commission every three years.

Article 139 requires the adoption and updating of a national professionalisation strategy. Support structures are to provide methodologies and assistance, particularly for sustainable, innovative and strategic procurement, contract management, performance monitoring and supply-chain management. This creates a legal basis for national competence and assistance centres.

EXTRACT: "Member States shall [...] evaluate progress in achieving the strategic procurement objectives, including environmental, social and innovation considerations."

Meaning: Member States evaluate progress in achieving strategic objectives, including environmental, social and innovation considerations.

PPA proposal, Article 137(1), point (d)

Ten practical implications for Czech public buyers

1. Revise internal methodologies to distinguish minimum legal compliance from genuine green public procurement (“GPP”) and socially responsible public procurement (“SRPP”) beyond that minimum.
2. Introduce a compliance map by product category: Annex VII, Article 54 and subsequent delegated acts.
3. For buildings, link acquisition and rental to the current EU Taxonomy technical screening criteria for activity 7.7 and document any derogation.
4. Prepare templates for BPQR evaluation: minimum quality weightings of 30% / 50% and justification of alternative quality assurance.
5. Extend specifications and public contract terms to include measurable performance indicators for waste, recycled content, energy, working conditions, occupational health and safety, and human rights due diligence.
6. Prepare processes for verifying environmental claims: the EU Ecolabel, equivalent labels, DPPs and other evidence.
7. Develop tools for managing high-risk supply chains: subcontractor identification, ongoing checks, remedial measures and a mechanism for replacing subcontractors.
8. For social and health services, incorporate specific requirements: establish quality, continuity, availability and user participation as mandatory core elements of the procurement requirements.
9. Ensure data collection for the national data space and sustainability evaluation: environmental and social outcomes, as well as procedural compliance.
10. Build professional capacity for LCC, monetisation of externalities and performance management: without it, the new opportunities may remain purely formal.

Ten practical implications for Czech suppliers

1. Integrate sustainability directly into the tender strategy

Environmental and social characteristics or considerations relating to performance should be presented as part of tender quality, rather than merely as a general corporate policy. Public buyers increasingly assess climate impacts, circularity, working conditions, accessibility and protection of human rights.

2. Demonstrate the link between sustainability and the contract's subject-matter

Every criterion or claim must relate specifically to the product, service or works supplied, or to a stage of their life cycle. Working conditions, the product's emissions footprint, responsible sourcing of raw materials and supply-chain transparency may also be relevant.

3. Prepare verifiable environmental performance data

Suppliers should have measurable information on emissions and emissions footprints, energy and resource consumption, recycled content, reparability, durability, waste generation and opportunities for reuse or recycling. General marketing claims are demonstrably weaker than verified data.

4. Prepare for digital product passports and electronic evidence

The proposal allows DPPs to be used to demonstrate compliance with specifications, award criteria and contractual requirements. Suppliers should therefore connect product data with enterprise resource planning ("ERP"), product lifecycle management ("PLM") and supply chain management ("SCM") systems.

5. Check products against Annex VII and related sectoral legislation

Construction products, products subject to the ESPR, batteries, packaging, net-zero technologies, vehicles and tyres require particular attention. Suppliers must track the PPA itself and the Commission's delegated Regulations (acts), which may establish mandatory environmental parameters.

6. Develop circular economy-based offers

Reparable, upgradable, reusable, refurbished, remanufactured or recyclable products may offer a competitive advantage. Product-as-a-service, leasing, rental, sharing, take-back and guaranteed recovery at the end of the product's life are also relevant.

7. Offer quality value beyond the lowest tender price

The proposal normally sets a minimum weighting of 30% for quality criteria and at least 50% for labour-intensive contracts. Suppliers should systematically prepare value propositions, key performance indicators and evidence of quality, sustainability, innovation, accessibility and resilience of supply.

8. Quantify costs and benefits across the life cycle

In addition to the purchase price, tenders should include operating costs, energy and resource consumption, maintenance, repairs, service life, residual value and end-of-life costs. An ability to demonstrate reductions in greenhouse gas emissions and other environmental externalities is an advantage.

9. Strengthen social and labour law compliance throughout the chain

Suppliers should check remuneration, working conditions, occupational health and safety, equal treatment, the prohibition of forced and child labour, collective bargaining and human rights due diligence. Breaches of environmental, social or labour law obligations may lead to exclusion and a requirement to replace a subcontractor.

10. Prepare a system for contract monitoring and ongoing reporting

Sustainability is also checked during contract performance. Suppliers should determine responsibilities, data sources, methods for calculating key performance indicators, reporting frequency, audit trails, remedial measures and procedures for dealing with subcontractors in advance. Failure to meet parameters promised in a tender may have contractual, reputational and eligibility consequences.

Conclusions

A fundamental shift, and a major challenge, is that a general ESG strategy is no longer sufficient for a supplier. Sustainability must be translated into specific tender parameters: performance characteristics, verifiable data, contractual commitments and demonstrable outcomes.

Czech businesses should not delay preparing for the new procurement rules; the current estimate leaves less than three years before their practical application. This period should be used to strategically and systematically build the capacity to obtain, manage, verify and present relevant information and substantiated sustainability data, particularly on products' environmental characteristics, energy and material intensity, carbon footprint, service life, reparability, recycled content and end-of-life management.

A wait-and-see strategy based on the possibility that circumstances change or that the proposed PPA rules are substantially weakened may ultimately create difficulties in adapting rapidly and lead to unjustified blame being placed on officials in Brussels. The direction of internal market rules is currently clear. These rules continue to be refined and adjusted, but a fundamental change in the overall concept cannot be assumed. Sustainability aspects are therefore highly relevant to the competitiveness of all companies deriving a substantial share of turnover from public contracts.

Working solely with data generated within the business is insufficient: verifiable data on raw material origin, production processes, greenhouse gas emissions and other impacts throughout the supply chain are increasingly important. Preparation requires a coordinated approach involving management, procurement, production, product development, information systems, supplier management, sustainability and sales teams.

Businesses that start early to build a high-quality data base, allocate responsibilities and cooperate with suppliers gain better preparedness for new legal requirements and a significant competitive advantage in demonstrating the quality and sustainability of their tenders.

Annex 1: A more detailed description of the scope of Annex VII to the PPA proposal

1. Construction products

Regulation (EU) 2024/3110 (“CPR”) covers, in particular, the following construction product families:

precast normal, lightweight or autoclaved aerated concrete products;

doors, windows, shutters, gates and related building hardware;

waterproofing and vapour-control membranes and systems;

thermal insulation products and composite insulating kits or systems;

structural bearings and structural joint components;

chimneys, flues and related products;

gypsum products;

geotextiles, geomembranes and related products;

curtain walling, cladding and structural glazing;

fire detection and alarm products and fixed firefighting equipment;

sanitary appliances;

road equipment;

structural timber products and components;

wood-based panels and elements;

cements, building limes and hydraulic binders;

reinforcing and prestressing steel;

masonry units, mortars and related products;

wastewater engineering products;

floorings;

structural metallic products;

internal and external wall and ceiling finishes;

roof coverings, rooflights, roof windows and roof kits;

road construction products;

aggregates;

construction adhesives;

products for concrete, mortar and grout;
radiators and heating appliances;
pipes, tanks and products in contact with water;
flat glass, profiled glass and glass blocks;
fire protection products;
structural joints;
products for protecting concrete;
structural sealants and adhesives;
kits and units intended for construction works;

Annex VII to the CPR provides a legally more detailed breakdown of the individual families.

2. Products subject to the ESPR

Regulation (EU) 2024/1781 (“ESPR”) generally applies to physical products, including components and intermediate products. Specific requirements are progressively established for individual product groups through delegated acts.

The priority groups may, for example, be described as follows:

iron and steel;
aluminium;
textile products, particularly garments and footwear;
furniture, including mattresses;
tyres;
detergents;
paints and coatings;
lubricants;
chemical substances and chemical products;
energy-related products;
information and communication technology products;
electronic devices;
other products identified by future working plans and delegated acts;

For these categories, it is important to distinguish the general scope of the ESPR from a specific group for which the Commission establishes binding ecodesign requirements.

3. Batteries

The relevant battery categories under the Batteries and Waste Batteries Regulation (“EUBR”) include:

portable batteries;

starting, lighting and ignition (SLI) batteries;

light means of transport (LMT) batteries;

electric vehicle batteries;

industrial batteries;

The Batteries Regulation applies irrespective of their shape, volume, weight, design, material composition, chemistry, use or purpose.

4. Packaging

The Packaging and Packaging Waste Regulation (“PPWR”) covers all packaging, regardless of the material used or where it is used. For the purposes of this overview, the categories include, in particular:

sales or primary packaging;

grouped or secondary packaging;

transport or tertiary packaging;

e-commerce packaging;

takeaway packaging for food and beverages;

contact-sensitive packaging;

plastic packaging;

paper and cardboard packaging;

glass packaging;

metal packaging;

wooden packaging;

composite packaging;

reusable packaging;

single-use packaging;

packaging subject to deposit and return systems;

transport and sales packaging used between businesses;

The Regulation applies to all packaging placed on the EU market and to all packaging waste.

5. Net-zero technologies

Under the Net-Zero Industry Act (“NZIA”), the net-zero technologies concerned are:

solar technologies, including photovoltaic, solar thermal and concentrating solar technologies;

onshore wind and offshore renewable technologies;

battery and energy storage technologies;

heat pumps and geothermal energy technologies;

hydrogen technologies, including electrolyzers and fuel cells;

sustainable biogas and biomethane technologies;

carbon capture and storage technologies;

electricity grid technologies;

nuclear fission energy technologies, including nuclear fuel cycle technologies;

sustainable alternative fuels technologies;

hydropower technologies;

other renewable energy technologies;

energy system-related energy efficiency technologies;

renewable fuels of non-biological origin technologies;

biotech climate and energy solutions;

transformative industrial technologies for decarbonisation;

carbon dioxide transport and utilisation technologies;

wind propulsion and electric propulsion technologies for transport;

other nuclear technologies;

The scope also includes final products and specific components primarily used to manufacture these technologies; the updated NZIA annex provides the detailed breakdown.

6. New heavy-duty vehicles

Regulation (EU) 2019/1242 covers new heavy-duty vehicles subject to CO₂ emission performance standards. These include, in particular:

heavy goods vehicles;

tractors;

rigid lorries;

urban buses;

long-distance buses and coaches;

trailers and semi-trailers, where the relevant rules extend to them.

7. New passenger cars and light commercial vehicles

Regulation (EU) 2019/631 setting CO₂ emission performance standards for new passenger cars and new light commercial vehicles (referred to as “FleetCO₂ESR” in the source) covers:

new passenger cars;

new light commercial vehicles.

In everyday terminology, the second category may also be referred to as new light commercial cars or new vans; for legal drafting, the term “light commercial vehicles” should be retained.

8. Tyres

Regulation (EU) 2020/740 on the labelling of tyres distinguishes:

class C1 tyres – tyres for passenger cars;

class C2 tyres – tyres for light commercial vehicles;

class C3 tyres – tyres for heavy-duty vehicles.

Retreaded tyres may also be included once the relevant harmonised testing and labelling requirements apply to them.