

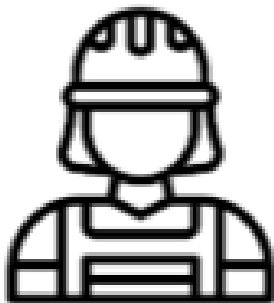
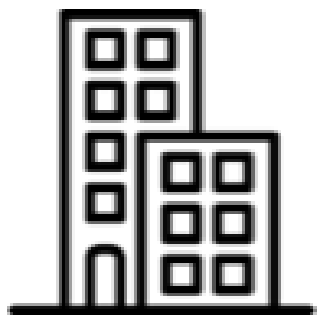
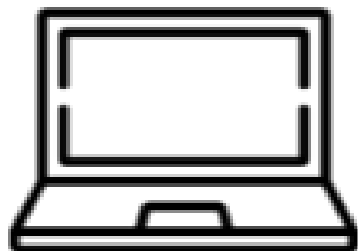


# Article 7 EED 2023/1791

energy efficient public procurement

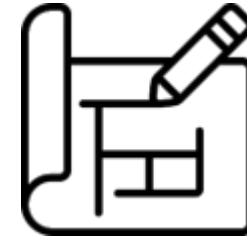
*Heidelinde Adensam DG ENER B-2*

# Why public procurement matters?



- 2 trillion Euros expenditure per year
- 14% of EU GDP
- over 250 000 public authorities

# Work in Progress



- Energy Efficiency Directive 2023/1791(EED) published 20.9.2023 → in force 10.10.2023 → transposition Article 7 latest 11.10.2025
- guidance document for Member States to support the transposition in preparation
- adaptation of e-Forms to reflect Art. 7 requirements is ongoing
- feedback from Member States show, that further support will be necessary
- best effort to inform for the moment but the guidance notes will confirm these points

# Provisions in a nutshell

## Who is concerned?

All contracting authorities and contracting

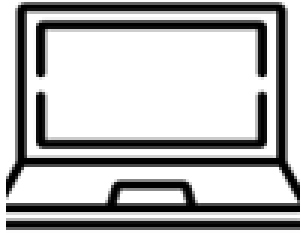
## What is concerned?

- public contracts and concessions
- products, services, works, buildings
- exceeding values in Public Procurement Directives
- unless technically feasible
- ~~military equipment, aim of armed forces, undermining public security and impeding response to public health emergencies~~

## What to do?

- Apply EE1st principle
- Procure high ee performance
- Assess feasibility of EPC
- Publish impact on energy efficiency
- support authorities and entities
- Establish supportive provisions and remove barriers
- Report on measures to remove barriers

# High energy efficiency performance??



1. the highest two significantly populated **ee labelling** classes **OR**
2. complying with **Ecodesign ee benchmarks AND**
3. respecting GPP criteria or available equivalent national criteria on ee
4. the highest fuel energy efficiency class for tyres



Require service providers to use only new products fulfilling criteria 1., 2. and 4. for products

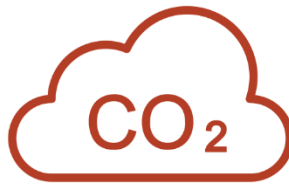


Nearly zero-energy buildings

# Options and „if appropriate“

- may consider wider aspects to achieve the Union's decarbonisation and zero pollution objectives, these might be:

- Sustainability aspects
- Social aspects
- Environmental aspects
- Circular economy aspects



- where appropriate consider "wider" (not only ee) Union green public procurement criteria or available equivalent national criteria
- may require suppliers to disclose information on wider aspects and make this information publicly available, in particular for new buildings larger than 2000 m<sup>2</sup>
- may require high energy-efficiency for a package instead for the individual products when covered by an Ecolabelling delegated act

# Technical feasibility – MS suggestions

- Economic feasibility?
- Not possible to have one methodology for all products, services, buildings and works BUT general rules
- *if compatibility problems with existing systems/products/services would occur. It must be possible to integrate new systems, services or products into existing ones*
- It is up to the contracting authorities or the contracting entity to demonstrate that requiring a high energy-efficient performance in a contract or concession is not technically feasible.
- The proving can be done by e.g.
  - *well-documented assessment ...include factors such as technological limitations, site-specific constrains or technical incompatibility with existing infrastructure ... taken in the preparation phase ... that it can be seen from the tender notice that it is not technically feasible;*
  - *Test reports, certificates;*
  - *Expert consultation by independent technical experts;*
  - *Comparative studies;*
  - *Preliminary market consultation;*
- For example, a lack of technical feasibility for procuring energetically efficient heat pumps could occur where the heat distribution system of a building is not suitable to run at the temperatures required for the efficient use of a heat pump.

Further examples??

# Further questions?



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