

### **General remarks**

- J Public authorities should make the best strategic use of public procurement to foster innovation.
- J Buying innovative products, works and services plays a key role in improving the efficiency and quality of public services, while addressing major societal challenges.
- J If public purchasers remain conservative, economic operators will not be allowed/ encouraged to offer innovative solutions.

### **Pre-Commercial Procurement (PCP)**

- Only R&D services not in scope of the Directive (Art. 14\*)
- but not the commercial development, if any
- Risk-benefit sharing: no exclusive use by the public purchaser
- Competitive procurement, excluding State Aid

### **Public Procurement of Innovative solutions (PPI)**

- complementary with Pre-Commercial Procurement
- PPI can enable larger scale deployment of solutions which were developed in small quantity in a preceding PCP

### **Functional requirements**

- in the technical specifications (Art. 42\*)
- may include environmental/ sustainability aspects

### **MEAT, Most Economically Advantageous Tender (Art. 67\*)**

- good principle to favour MEAT
- but allowing “price only” as an award criterion prevents real progress

### **Variants (Art. 45\*)**

- main source for innovative solutions
- authorised only if indicated
- FIEC lobbied for variants to be allowed unless forbidden, but failed to convince the co-legislators

### **Innovation partnership (Art. 31\*)**

- competitive phase: select most suitable partner(s)
- R&D phase: develop innovative solution,
- possible sub-phases, gradual reduction of partners' number
- commercial phase: successful partner provides solution

### **Conditions for performance of contracts (Art. 70\*)**

- will have to be respected by the contractor signing the contract

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\* “classical” procurement directive, 2014/24/EU of 26 February 2014, OJEU L 94, p. 65 ff.