RESCOOP.EU ENERGYCITIES

Joint response to the Commission's call for evidence on the evaluation of the Public Procurement Directives

Publication date: 07/03/2025

Introduction

European Union (EU) regulation should allow municipalities to untap local potential to enable Europe's energy transition. The ongoing review of the Public Procurement Directives should be utilised as an opportunity to simplify the existing rules and allow fairer access to local businesses and communities.

Local public-public/citizen partnerships are a good way to pool resources. If the goal of the Clean Industrial deal is to support sustainable and resilient industrial ecosystems, jobs and value creation, allowing local authorities to use social conditionalities is a good strategy to effectively deliver. As highlighted in the Competitiveness Compass Communication, "to shift the economy towards clean production and circularity, the EU must foster lead markets and incentivize early movers."[1] Harnessing the power of the EU's domestic market is essential, and measures such as preferential treatment in public procurement or financial incentives can encourage demand for local, sustainable solutions.

Requirements favouring short(er) supply chains and local requirements with social and environmental benefits for local ecosystems should be expressly allowed under the EU Public Procurement Framework. This change is necessary in order to promote and respect the EU's legal principle of equal treatment towards smaller social economy actors, and respect for the subsidiarity principle. It is also necessary to ensure local authorities and Member States are able to deliver under their legal obligations according to EU Energy legislation, including the delivery climate and energy targets.

In Part 1 of our joint response below, we show how collaboration between local authorities and energy communities has been utilised across different Member States to achieve climate and energy objectives through the pursuit of other social benefits such as ensuring local citizens, small and medium enterprises (SMEs) and authorities can take ownership of renewable energy production. This results not just in added financial benefits to local communities that own such production, but also in wider socio-economic benefits such as higher awareness of climate action among local citizens, tackling energy poverty, and public acceptance for the energy transition.

In Part 2, we also address and provide evidence on the following questions:

- Whether the EU legal framework for public procurement is adequate or effective in Europe's current context; and
- Whether the existing legal framework is coherent with itself and other EU legislation.

[1] European Commission (2025). A Competitiveness Compass for the EU. COM(2025)30 final.

In Part 3, we provide solutions that can help address challenges to allowing local ownership to gain stronger recognition and be promoted by local authorities through the EU's legal framework on public procurement.

We conclude that despite the number of positive examples of local authorities promoting a just and fair energy transition through the use of public procurement and concessions procedures, the EU legal framework acts as a barrier rather than an enabler to local ownership and collaboration. Rather, we conclude that EU public procurement rules are ineffective in promoting public partnerships with local actors. We also conclude that the EU's legal framework is not coherent within itself, or with EU climate and energy objectives and legislation, in particular since the adoption of the Clean Energy for All Europeans (CEP) legislative package, subsequent Fit for 55 legislation under the Green Deal, or REPowerEU.

Summary of Recommendations

Under the context of the Clean Industrial Deal and the growing need for energy and economic security, the EU public procurement framework needs to be revised to align with the EU's climate and energy objectives, and to allow local authorities to engage their citizens in the economic life of the community, using the energy transition as an opportunity to strengthen resilience. Specifically, the EU legal framework for public procurement should be revised to:

1. Reference and anchor policy objectives that public procurement should help promote, including environmental, climate and energy, social and economic development objectives (e.g. public acceptance, local value creation and promotion of social economy, enhancing citizen ownership of renewables production, and encouraging participation in the energy transition).
    a. The legal basis of the Public Procurement Directives should be revised so that Article 192 of the Treaty on the Functioning of the EU (TFEU) serves as a dual basis with Article 114 TFEU;
    b. Sustainability and social objectives around energy, water and food provision, particularly those that are anchored in EU legislation and require compliance by Member States, should be integrated into the Public Procurement Directives.

2. The Public Procurement Directives should provide wider scope to exempt social economy actors, such as energy communities, from needing to participate in procurement procedures.
    a. The anchoring of renewable energy communities (RECs) in EU legislation, through its definition in the Renewable Energy Directive, creates an objective EU standard that can be adapted to national circumstances;

   b. Existing thresholds for triggering public procurement rules should be revised upwards to provide more room for local authorities to collaborate with RECs and social economy actors;
   c. Local authorities should be able to utilise RECs, according to the EU definition, similar to a labelling requirement under Article 43 of Directive (EU) 2014/24.

3. Specific procurement procedures dedicated to RECs should be allowed.
   a. The anchoring of RECs in EU legislation, through its definition in the Renewable Energy Directive, creates an objective EU standard that can be adapted to national circumstances;
   b. Public Procurement legislation should carve out targeted space for RECs and other social economic enterprises in their tendering and concessions procedures.

4. The status of Green and Social Procurement Criteria should be elevated to assist local authorities:
   a. better integrate climate and energy objectives into their procurement procedures; and
   b. develop exemptions and/or reserved procedures for RECs and other social economy actors in areas such as energy, water and food.

5. Reform 'Most Economically Advantageous Tender (MEAT) criteria to move away from price-based criteria to more qualitative criteria around the delivery of other social and economic benefits to the local community.

6. Acknowledge the added value of local approaches such as ownership and delivery of services by community-led initiatives in procurement decision making.
   a. Local added value should be acknowledged and integrated into life cycle costing (LCC) approaches, for instance under Article 68 of Directive (EU) 2014/24;
   b. The Commission should look at existing tools and methodologies to develop sound guidance on how local authorities can integrate local added value into their tendering procedures for RECs.

7. Regional One-stop shops (OSS) should be created to help support smaller municipalities.
   a. The Directives should require Member States to set up OSS or other support structures according to their national circumstances to provide technical and legal assistance for local authorities that want to pursue social innovation through public procurement procedures.

Part I - The added value of collaboration between local authorities and energy communities in the energy transition

Energy communities represent a unique business model that the EU has determined is indispensable for a successful energy transition

There are a number of reasons why local authorities might want to promote local ownership of renewables through their public procurement procedures. This includes:

- Promoting fair employment opportunities and social inclusion;
- Providing opportunities for social economy and social enterprises; and
- Delivering high quality social, health, education and cultural services.

Many municipalities have adopted policy objectives related to the above, which are outlined in their Sustainable Energy and Climate Action Plans (SECAPs). Where municipalities choose to promote local ownership, for instance through an energy community, they are acting with multiple goals in mind, including creating a level playing field for smaller, local actors, maximising positive local community impacts, and promoting public acceptance.

Directive (EU) 2018/2001 (The Renewable Energy Directive, or RED II) and the Directive (EU) 2019/944 (Internal Electricity Market Directive, or IEMD) explicitly acknowledge the unique characteristics of energy communities, citing them as providing added value in terms of different environmental, economic and social benefits. Renewable Energy Communities (RECs) and Citizen Energy Communities (CECs) bring citizens, businesses (in particular small and medium sized enterprises, or SMEs) and local authorities together to take community ownership of clean renewable energy sources and services.[2] They also promote more democratic participation and governance in decision making, and their primary purpose is to generate environmental and socio-economic benefits to the community rather than profits.

The RED II acknowledges that RECs help address socio-economic issues such as energy poverty and allow those that could not otherwise be able to participate in the energy transition, such as vulnerable consumers and tenants.[3] The RED II also notes that RECs add value in many different ways, including enhancing local acceptance of new

[2] Energy Communities Repository (2024). Barriers and Action Drivers for the Development of Different Activities by Renewable and Citizen Energy Communities, p 16.
[3] Directive (EU)2018/2001 (RED II), Recital 67.

renewables projects, increasing the amount of capital available for local investment, choice for consumers, and greater participation by citizens in the energy transition.[4]

In this way, energy communities, particularly RECs, can be considered part of both the social and proximity economy ecosystem.

Renewable Energy Communities are part of the proximity and social economy	
Definition of Renewable Energy Communities under Art 2(16) RED II	**Definition of Social Economy under the Social Economy Action Plan**
Art 2(16)(c) primary purpose of which is to provide environmental, economic or social community benefits for its shareholders or members or for the local areas where it operates, rather than financial profits	Primacy of people, as well as of social and/or environmental goals, over profit;
	Reinvestment of all or most of the profits and surpluses
Art 2(16)(a) in accordance with the applicable national law, is based on open and voluntary participation, is autonomous,[5] and is effectively controlled by shareholders or members that are located in the proximity of the renewable energy projects that are owned and developed by that legal entity	Democratic or participatory governance

It has also been shown that local ownership of renewable energy production can help protect citizens and SMEs from market volatility brought on by economic and energy crises.[6] As such, local ownership through RECs is part of the solution for affordable and stable access to local renewables production, promoting energy security.

Finally, collaboration between energy communities and local authorities is an example of concrete implementation of the energy efficiency first principle. As stated in the most recent EU Recommendation on putting the energy efficiency first principle into practice:

> "*At the local level, decisions taken by public authorities are usually closer to the implementation and can affect directly the choice of a solution. Decisions on specific expenditures of the funds available, permitting decisions on localisation of investments, and planning the provision of public services are examples where the EE1st principle should be considered, wherever possible … At local level, cities, towns and local communities in general are best placed to*

[4] RED II, Recital 70.
[5] Under Recital 71 of the RED II, "to avoid abuse and to ensure broad participation, renewable energy communities should be capable of remaining autonomous from individual members and other traditional market actors that participate in the community as members or shareholders, or who cooperate through other means such as investment."
[6] *See* REScoop.eu (2024). Ensuring access to affordable, secure renewable energy: local ownership through energy communities; and REScoop.eu (2024). The diamond hidden in the rough? Energy Communities and the EU's Action Plan on Affordable Energy.

implement energy efficiency measures, working closely with citizens, consumers and energy communities."[7]

Examples from the Recommendation include:

- optimising local energy system efficiency (local sector integration);
- planning around the local energy system's development with the local stakeholders (public authorities, DSO, local energy communities, etc.);
- key elements of renovation strategies;
- development of local renewable resources (e.g. wind, solar, biomass, biomethane); and
- linking permitting of localisation of buildings to renewable energy potential (orientation for solar energy, space for geothermal and heat pumps, proximity of local RECs and renewable energy production, including renewable and low carbon district heating) and public transport networks.[8]

Municipalities are also looking to increase their uptake of renewable energy to meet their consumption needs. This presents a good opportunity to achieve both decarbonisation objectives and support local community-driven deployment of renewables. There are growing examples of municipalities looking to conclude different types of power purchase agreements (PPAs) with energy communities.[9] This can allow municipalities to conclude attractive contracts to secure the price of electricity over long-term periods, contribute to sustainability and social goals, promote the local economy, and facilitate citizen participation in the energy system.

There is a growing list of diverse examples across different Member States where innovative local authorities are taking the challenge to develop opportunities for their community-led initiatives to participate in the economic life of the region and contribute to the energy transition. We provide some examples below, but there are many others that have been documented in the H2020 Compile Project, which produced a *Municipal Guide and Procurement Guide for Community Energy*, and the Energy Community Repository's *Report on Barriers and Action Drivers for the Development of Different Activities by Renewable and Citizen Energy Communities*.[10]

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[7] EU Commission (2021). Commission Recommendation (EU on Energy Efficiency First: from principles to practice - Guidelines and examples for its implementation in decision-making in the energy sector and beyond. COM(2021) 7014 final.
[8] *Ibid*.
[9] Giovanini, S and Claeys, B (2024). Power Purchase Agreements: How can cities make the most of them? (Energy Cities, Regulatory Assistance Project (RAP): Brussels)
[10] *See* Herbemont, S and Roberts, J (2022). Procurement Guide for Community Energy: Based on the Municipal Guide of the H2020 COMPILE Project; and Energy Communities Repository (2024), *supra* n 2 at p 53.

Positive examples of local authorities using public procurement to promote local ownership of renewable energy production

In Schaumburg, Germany, the local citizen energy cooperative benefits from tenders for combined licensing and electricity supply contracts (i.e. leasing the roof and purchasing electricity from the PV system) from the municipality of Sachsenhagen (and other municipalities in Schaumburg). Citizen participation is a prerequisite in the tenders (min. 49%). This is why the cooperative has always been awarded the contract so far.

The City of Strasbourg, France, has adopted a goal of installing 1 MWp through citizen-governed PV projects by 2030. To help achieve this objective, the Metropolis of Strasbourg developed a specific pre-procurement procedure to allocate concessions for development of solar PV on the public roofs of the municipalities in the greater Strasbourg area. In order to participate in the tender, organisations had to take the form of a citizen energy community, which is defined in Directive (EU) 2019/944. Bids are assessed based on the following criteria:

1. Strategy to mobilise citizens to finance the project (25 points) – considerations around mobilising inhabitants of the buildings where the solar PV installations were to be sited, mobilisation of inhabitants of the neighbourhood, and general communication;
2. Financing mechanism (20 points) –return on investment, the use of own funds, and the number of planned investors;
3. Governance mechanism to manage citizen participation in the operation of the project (20 points); and
4. Technical aspects of the project (30 points).

This criteria is aimed to foster citizen participation in service of the City's policy objective, as well as to deliver the following added value:

- Creation of new relationships between people and their local community;
- Helping with the development of skills around energy;
- The additional contribution of local ownership to the economic development of the territory (e.g. job creation) compared to conventional projects;
- Fostering social linkages between citizens, elected representatives, businesses, associations and farmers; and
- Mobilising citizen investment in renewable energy production.

In the city of Ghent, Belgium, the city developed an objective to cover at least 30% of the electricity consumption of public buildings with locally sourced renewables. However, the city quickly realised that there were not enough public roofs to install the necessary production capacity to meet this target. The facility management

department started to explore different ways to reach that target. With the support of Vlaams Energiebedrijf (VEB), an independent public agency that supports local authorities in energy matters, they identified a virtual PPA as the best way to achieve Ghent's environmental objectives while allowing them to plan long-term.

In an effort to provide the opportunity for locals to invest in renewables production, the city set minimum requirements for the bid, which included criteria that at least half of the production facilities had to be citizen-owned, i.e. through an energy community. Within this framework, Beauvent Energy Cooperative, a REC, won a bid to develop 7.9 MW of installed capacity of solar PV in order to cover 20% of the city's building consumption. They partnered with the timber company Lemahieu, who allowed them to use the roof of their warehouses in Ghent for the installation.

In Krizevci, Croatia, the municipality adopted an ambitious plan to be carbon neutral by 2030, and to be energy independent by 2030. In order to achieve this goal, Krizevci needs to install 1,000 powerplants across the 6,000 roofs that exist in Krizevci in total. The municipality wanted to include citizens in this endeavor, and therefore it launched two tenders: one to set up a municipal desk to keep citizens informed and another pre-procurement procedure to develop a ground-mounted solar PV project. Green Energy Cooperative, ZEZ, was chosen to help the municipality set up a local cooperative, KLIK. Now, this local cooperative helps the municipality develop other production projects and provides other services to citizens in the municipality through participating in the tenders to install PV production, which uses energy communities as one of the exclusion criteria.

Part II – Evidence

1. The EU's public procurement legal framework is not adequate or effective in the current context because it prevents municipalities from untapping local potential to pursue climate and energy objectives

Below, we highlight why the EU's public procurement framework is not adequate or effective in enabling local authorities to maximise local value by choosing to work with energy communities and other local actors in deploying solutions for the energy transition. Specifically, we highlight the different challenges that municipalities and energy communities face under existing EU public procurement rules.

Current challenges municipalities and energy communities face under existing EU public procurement rules

EU public procurement rules pose challenges for local authorities and energy communities alike. On the local authority's side, municipalities find the process very burdensome. The prevalence of price based criteria does not allow them to use public procurement as a tool to foster local job creation and economic development.

The main challenges municipal authorities face when trying to promote local participation in the energy transition are well-documented. First, there are a number of concrete barriers to integrating energy communities into public procurement procedures under existing rules, including:

- The difficulty to include, value and promote social economy award criteria;
- The lack of confidence of public bodies with alternative procedures;
- The issue with high selection criteria thresholds (financial and experience);
- The cost and the risk of procurement for public authorities; and
- The impossibility to recognise proximity criteria.

More specifically, according to the Energy Communities Repository, which was asked by the EU Commission to lay out barriers and drivers for the development of energy communities, EU public procurement rules pose a number of challenges when trying to allocate local publicly available spaces for installing renewables production. This includes the fact that:

> "*historically, public procurement and concession rules have focused primarily on looking for the best possible value for the lowest possible price … While local authorities are allowed to integrate social criteria into procurement rules and procedures, there is often a lack of legal clarity around how to set up and implement such criteria, making public authorities hesitant to do so*."[11]

The EU Recommendation on the implementation of the energy efficiency first principle also acknowledges these challenges:

> "*The lack of data and the often limited financial, technical and skills capacity, prevents cities, towns and local communities from designing robust heating and/or energy efficiency plans, and from taking energy efficiency into consideration for spatial and development planning. In this context, there is not only the need to make the relevant data available, but also to ensure the ability*

[11] Energy Communities Repository (2024), *supra* n 2, at p 45.

to analyse the information and data available by those who are to use it. Capacity building is, therefore, an essential area to be addressed."[12]

Energy communities also struggle to compete against larger commercial market actors, particularly in auctions and tenders.[13] Under the traditional approach, they must compete with other traditional market actors based primarily on price. RECs in particular, face many barriers operating in the market, including competing in auctions and tenders. Specifically, participating in auctions includes high transaction costs, due to the administrative procedures involved, and relevant qualification requirements - hurdles that make access to such procedures difficult for energy communities. Energy communities are also unable to employ bidding strategies that are utilised by other larger market actors, which can rely on economies of scale and hedging. These barriers are well documented by IRENA, and negative impacts to energy communities from moves towards auctions and tenders as ways to allocate support for renewables have been present in countries such as Germany and Denmark.[14]

Where social criteria is valued more highly, energy communities and local actors can actually experience an advantage over larger market actors, because they exist to meet specific local needs (energy, food, etc). For instance, in the Flanders Region of Belgium, the cooperative members of REScCoop Vlanderen participated twice in a tender for installing PV on public buildings with citizen participation organised by the Flemish Energy Company (Vlaams Energie Bedrijf). Twice, its members were selected as the best parties to execute these installations on public buildings of municipalities, provinces.[15]

However, as highlighted above, under the current legal framework local authorities are discouraged from taking such an approach. National procurement rules are highly complex and municipalities that are not well-resourced can experience difficulties navigating these rules. It takes time and resources for municipalities to innovate, which most municipalities simply do not possess. Second, due to the legal uncertainty around the existing public procurement framework and the lack of wide-spread examples, it takes political courage and ambition to do things differently.

Increasingly, more local and regional authorities are expressing their ambition to ensure local communities can participate in the energy transition. Nevertheless, it is understandable that most regional authorities do not have the courage necessary to mark a different course, especially when they could risk legal liability for doing so. Lastly, the legal context at the national level can make things even more complicated.

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[12] EU Commission (2021), *supra* n 7.
[13] Energy Communities Repository (2024), *supra* n 2, at p 46.
[14] IRENA (2019). Renewable Energy Auctions – Status and Trends Beyond Price, p 64.
[15] *See* VEB. Zonnepanelen via burgerparticipatie.

Indeed, national public procurement rules have been identified in Poland and Estonia as a major barrier preventing municipalities from prioritising locally produced energy in public procurement.[16] According to a survey of 70 municipalities and energy community projects under the LIFE LOOP project, public procurement policies are strongly perceived as an outright barrier to community energy projects, and are not compatible with providing support to community energy projects.[17]

Public procurement law as a barrier preventing municipalities from promoting energy communities in Poland

At the moment, the concept of energy communities in Poland is not well recognised or widely implemented. Instead, there is an urgent need for successful pilot projects to raise public awareness and promote the development of energy communities. Given the general role of local governments, which is primarily focused on meeting the collective needs of local communities and fostering regional development, they are recognised as key actors in promoting and developing energy communities. Their active engagement is essential for the successful establishment and operation of pilot energy community projects, and to raise awareness about the benefits of collective bottom-up energy projects for the local community.

However, Polish national regulations impose an obligation on local government units and their organisational entities to apply the provisions of public procurement law (pol. Ustawa z dnia 11 września 2019 r. – Prawo zamówień publicznych) to contract energy supply. It requires the use of an open and competitive procedure which requires carrying out a tender process. Despite the EU directives imposing an obligation to apply public procurement law only for contracts that exceed thresholds established at the EU level, Poland decided on a wider application of public procurement standards. As a result, local government units as well as public law entities (contracting authorities e.g. the majority of municipal companies) are required to comply with public procurement regulations from a threshold of 130,000.00 PLN (approx. 31,400.00 EUR). The existing contracting model based on public procurement law does not align with the operational framework of energy communities and imposes systemic barriers to their development by restricting the engagement of local government units.

During this early implementation phase of energy communities, where the model is not widely recognised and faces numerous systemic barriers, stable conditions are

[16] Tuerk A et al (2023), Energy communities and collective actions: Yearly policy brief on regulation – D3.5 – DECIDE Project, p 11 ; and Kostecka-Jurczyk, D Marak, K and Struś, M (2022). Economic Conditions for the Development of Energy Cooperatives in Poland. Energies 2022, 15, 6831, p 9-10.
[17] Proka, A (2023), Barriers and opportunities for the development of energy communities with municipal involvement: Results from LIFE LOOP survey – D2.3 – Life Loop Project, p 26.

required for growth. In Poland, local governments are obliged to apply public procurement law, which mandates tendering procedures for contracting energy supply. As such, they are currently unable to guarantee that the contractor be a member of the energy community or the energy community itself.

EU public procurement rules cited as a barrier to developing criteria to promote local actors in France

In France, the existence of the constitutional principle of freedom of access to public procurement and equal treatment of candidates (cf European case law Telaustria, ECJ Dec. 7, 2000, aff. C-324/98) is cited as the reason to prohibit the introduction of award criteria based on the geographical location of candidates (no local preference possible) in public procurement. Similarly, the introduction of governance criteria in public tenders for local authorities is possible in France, but the current interpretation of national public procurement procedures is that it does not allow local governments to include "strong criteria" on the governance of the structure to which the local authority will allocate their land or roof. This has become a major obstacle for local authorities who do not have the capacity to navigate the subtleties of current public procurement frameworks.

Even where authorities have developed legislation to promote collaboration between local authorities and citizens, public procurement rules can be limiting in their effect.

As a basic and fundamental principle, EU regulation should allow municipalities to untap local potential, in order to benefit the local economic ecosystem and the EU economy overall. Very often, municipalities have to go to great lengths to legally justify the selection of local providers. This is a waste of their already scarce resources, and makes the public procurement process a very heavy legal exercise, more than an economic one.

In its Clean Industrial Deal, the European Commission has stated that public procurement policies are valuable in helping overcome barriers to market entry and to support sustainable and resilient industrial ecosystems, jobs and value creation in the EU.[18] If, as the Commission also states in its Competitiveness Compass Communication, revision of the public procurement framework will allow for sustainability, resilience,

[18] European Commission (EU). The Clean Industrial Deal: A joint roadmap for competitiveness and decarbonization. COM(2025) 85 final.

and European preference criteria in EU public procurement for strategic sectors, such revisions should directly support local economic ecosystems.[19]

The Clean Energy for all Europeans Package (CEP) and the Green Deal have placed citizens at the heart of the energy transition, and the EU energy legislation has created a supportive EU Legal framework due to the added environmental, economic and social benefits RECs can provide for local citizens and their local communities in the energy transition. However, the 2015 public procurement legislation is not effective in allowing local communities to pool resources in order to deliver place-based services and use of public space to deploy clean energy solutions.

2. The EU's public procurement legal framework is not coherent with the EU's climate and energy legal framework

Existing public procurement legislation is not coherent with the EU's legal framework on energy. Specifically, it is not in line with the objectives or national legal requirements under the CEP. In 2016, the European Commission proposed a broad, overarching legal framework to support citizens to get involved across the energy market – both individually and collectively.

With the finalisation of this legislative package, the EU signaled a strong shift in the role of citizens from passive consumers to active participants in the energy transition. EU legislation now also acknowledges the role that community energy ownership can play in helping the EU meet its climate and energy objectives, while driving local social innovation. Subsequently, under the Green Deal, and specifically, the Fit for 55 legislative package, along with REPower EU, EU legislation has adopted new rules and policy guidelines that impact the existing EU legal framework around public procurement. The EU's public procurement needs to be revised to align with the clear objectives and requirements of the EU's climate and energy framework.

The Clean Energy Package and the introduction of energy communities as actors in Europe's energy transition

The finalised CEP acknowledged and defined 'active customers', 'renewables self-consumers', 'renewable energy communities' (RECs), and 'citizens energy communities' (CECs). In particular, the recast Directive 2018/2001 (REDII), recast Directive 2019/944 (the Internal Electricity Market Directive, or IEMD) and recast Regulation 2019/943 (the Internal Electricity Market Regulation, or IEMR) contain provisions that establish a supportive EU legal framework for community ownership. It also requires Member

[19] European Commission (EU), *supra* n 1.

States to secure certain rights of energy communities and establish enabling frameworks to ensure a level playing field and promote their development.

The RED II and the IEMD acknowledge the challenges energy communities face in accessing the market as social economy actors. For RECs in particular, the RED II states that the specific characteristics of RECs, including size, ownership structure, and their number of projects "can hamper their competition on an equal footing with large-scale players."[20] Therefore, the RED II calls for Member States to develop measures to offset the disadvantages relating to the specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects to enable them to operate in the energy system and to ease their market integration.

Energy Communities: a different type of market actor and the need for equal treatment

The unique characteristics of RECs, including their choice of business model, noncommercial purpose, size, professional and organisational structure, and way of financing projects, put them in a different legal and factual position compared to other undertakings. Under the EU legal principle of equality, the distinct characteristics of RECs and challenges they face participating in auctions and tenders justify different treatment. This is supported by the Court of Justice of the EU (CJEU).[21] Increasingly, studies also show the need to balance competitive bidding with other policy priorities, and the need to provide support for RECs and other small actors outside of tenders and auctions.

Article 22 of the RED II requires Member States to create an enabling framework to promote the development of RECs. These enabling frameworks must include policies and measures on the removal of unjustified regulatory and administrative barriers, tools to help RECs access to finance and information, and capacity building for local authorities, among other things.

Furthermore, the RED II explicitly addresses competitive bidding procedures for renewables support, providing both procedural and substantive obligations to Member States to account for the market barriers RECs face. Under Article 22 paragraph 7, Member States are required to "take into account specificities of renewable energy communities when designing support schemes in order to allow them to compete for support on an equal footing with other market participants."[22] Recital 26 of the RED II provides further guidance on how Member States can ensure RECs can participate in

[20] RED II, Recital 71.
[21] Court of Justice of the EU (CJEU. Joined Cases C-78/08 to C-80/08, Paint Graphos Soc. coop. arl [2011] C 311/06.
[22] Without prejudice to Article 107 and 108 TFEU.

available support schemes on an equal footing with large participants. Specifically, Member States should be allowed to take measures, such as providing information, providing technical and financial support, reducing administrative requirements, including community-focused bidding criteria, creating tailored bidding windows for renewable energy communities, or allowing renewable energy communities to be remunerated through direct support where they comply with requirements of small installations.

The State aid guidelines and the requirement for a level playing field for RECs

In response to calls from the growing energy community sector,[23] the State aid guidelines (CEEAG and GBER) were revised in order to support the implementation of these provisions. In particular, The State aid guidelines introduced an exemption from the requirement to allocate aid and determine the aid level through a competitive bidding process for projects that are 100% owned by a REC or SMEs. This exception provides the eligibility to receive support outside of tenders and auctions based on two thresholds:

- equal to or below 6 MW installed capacity or maximum demand for all technologies; and
- specifically for wind generation, equal to or below 18 MW of installed capacity to receive support without the need to go through a tendering process.[24]

This exemption from tenders aligns with the requirement of the RED II to take the specificities of RECs into account when designing support schemes. The CEEAG allow Member States to design dedicated direct support schemes (Feed-in Tariffs, premiums, Contracts for Differences, etc.) for RECs, without having to navigate the competitive bidding process entirely.

Rules pursuant to Article 22(7) of the RED II and the CEEAG/GBER have also influenced the EU Commission's Recommendation on auction design for renewable energy. Specifically, Member States "should include, when necessary, non-price criteria related to benefits from energy communities, such as promoting citizen participation in the projects including via renewable energy communities and citizen energy communities."[25] Furthermore, where Member States choose to use auctions to allocate aid by RECs, it is recommended that they consider granting more flexibility on an

[23] REScoop.eu (2021). Renewable energy communities: why they deserve support & how the CEEAG can help REScoop.eu's response to the public consultation on the draft CEEAG.
[24] CEEAG Ch. 4.1.3.5 point (107)(b)(iv) and (v), GBER art 43 paragraphs (2a) and (5).
[25] European Commission (2024). Commission Recommendation on auction design for renewable energy, paragraph 18. SWD(2024) 300.

objective basis regarding pre-qualification requirements and may consider separate adapted auction envelopes for this type of project.[26]

The Commission's guidance on auction design for renewable energy also acknowledges that auctions for renewables can include social benefits for the local communities, and that this is allowed under the CEEAG. The Guidance then contains an entire section on how non-price criteria can be applied to promote community participation and ownership.

The Renewables Directive foresees and promotes collaboration between local authorities and energy communities in procurement decisions around renewable energy production

Lastly, the latest revisions to the Renewable Energy Directive, via Directive (EU) 2023/2413 (RED III) acknowledge the added value of local collaboration between municipalities and RECs in the rollout of renewables locally, particularly on buildings. Specifically, under the new Article 15a paragraph 5, Member States are called to promote cooperation between local authorities and RECs in the building sector, particularly through the use of public procurement. The implementation of this provision depends on how easy (or difficult) it is for municipalities to develop these types of relationships to deploy local renewable energy production.

Part III – How to align the EU's public procurement framework with climate and energy objectives

1. Reference/anchoring to policy objectives that public procurement should help promote, including environmental, social and economic development objectives

Over the years, the EU public procurement framework has increasingly integrated sustainability objectives. While initially public procurement was about the internal market only, now it increasingly incorporates secondary – also called strategic – objectives. Notably, the Commission now explicitly places EU Member States and their contracting authorities in a pivotal position for the achievement of its sustainable and social agenda.

[26] *Ibid*, at para 27.

In particular, the 2014 revisions to the Public Procurement Directives revised the principle that cost/price should no longer be the only element to be considered in a tender. Contracting authorities now have more scope to incorporate costs of environmental externalities (e.g., life cycle costing and product process impacts) in deciding a 'most economically advantageous tender' (MEAT). Contracting authorities can also better take social aspects into account when awarding procurement contracts on the basis of the 'best price-quality ratio (BPQR)', i.e. they can choose the tenders that provide more social benefits.

Nevertheless, there is still an inherent conflict between choosing the best price and integrating other policy objectives into tendering specifications and procedures. In 2021, the Commission confirmed the preference for using the lowest price as an award criterion and indicated difficulties contracting authorities faced in formulating meaningful quality criteria for socially responsible public procurement (SRPP).[27] And yet, according to guidance issued by the Commission on SRPP, public buyers are asked to look beyond the price of products or services, and also consider how they are produced, sourced and delivered.

While the existing public procurement framework takes steps forward in allowing local authorities to pursue sustainable and social policy objectives through procurement, it is insufficient in creating the support and clarity necessary to local authorities such that they can be effective in using public procurement as a tool to pursue these other objectives. As others have stated in their consultation responses, this is largely because Article 114 TFEU provides the sole legal basis for the current public procurement directives.

To enable local authorities to better integrate environmental, social and economic development objectives into public procurement the legal basis for the public procurement should be revised. Specifically, Article 192 TFEU should serve as a dual legal basis along with Article 114 TFEU.

Furthermore, an article should be inserted into the existing directives that describes general principles that should guide public procurement decisions by public authorities, including around sustainability and social objectives around energy, water and food provision. The promotion of political goals through procurement will help provide municipalities provide a stronger legal basis, as expressed in their stated policy objectives (e.g. SECAPs) to use procurement in areas such as energy, food to promote objectives such as public acceptance, local value creation and promotion of social

[27] Explanatory Memorandum to COM(2021)245 - Implementation and best practices of national procurement policies in the Internal Market - EU monitor.

economy, enhancing citizen ownership of renewables production, and encouraging participation in the energy transition.

Such policy objectives have already been widely adopted by authorities across different governance levels in different Member States. These policy objectives are used as a basis for developing specific public procurement and concessions procedures around local/citizen energy production, but are insufficient under the existing framework to provide municipalities the confidence necessary to develop ambitious or effective collaborations with their citizens.

To ensure that the possibility of financial participation becomes the norm for all new wind farms in North Rhine-Westphalia in the future, the North Rhine-Westphalia Citizens' Energy Act (BürgEnG) came into force on December 28, 2023. The law now serves as the legal basis that allows municipalities to determine what citizen participation criteria have to be met in projects.

In the Belgian Region of Flanders, many councils have drafted policy resolutions, which have provided the basis for public tendering criteria for renewable energy projects.[28] In the neighbouring Belgian Region of Wallonie, the Regional Government adopted a Wind Agreement (Pax Eolienica), whereby citizens and municipalities must be allowed to obtain an ownership of at least 24.999%, respectively, in new wind projects. Likewise, the Community of Catalonia, Spain, through Decree-Law 24/2021, promotes citizen and local authority participation in renewable projects, recognising energy communities as a tool for local acceptance of facilities. The City of Strasbourg, France, as explained above, has adopted a goal of installing 1 MWp through citizen-governed PV projects by 2030.

At the national level, in its National Climate Pact (Klimaatakkoord), the Netherlands adopted a non-binding policy objective of requiring 50 per cent local ownership in all new onshore wind and PV projects. They are not alone. While it was part of the EU, Scotland established a target of 500 MW installed production incapacity of community or locally owned production by 2020. Furthermore, France has set an objective of 1,000 locally-governed renewable energy projects involving communities and citizens by 2028.

[28] Available at: https://www.rescoopv.be/publicaties/omgevingsenergie.

2. Wider scope to exempt social economy actors, such as energy communities, from needing to participate in procurement procedures, as long as they are anchored to achievement of specific policy objectives

The public procurement framework should facilitate a more economic exercise rather than a legal exercise when it comes to local authorities being able to choose how to implement local environmental and social objectives along with procurement of services. Given the overall complexity of public procurement procedures, the relatively limited capacity of municipalities, and the smaller sizes of energy community initiatives, there should be room to operate outside formal public procurement procedures. For instance, Article 77 of Directive (EU) 2014/25 and Article 94 of Directive 2014/25 could be revised and expanded to include energy services by social enterprises and/or energy communities.

There are two considerations we would like to put forward in this regard. First, EU legislation already defines specific thresholds for when public procurement rules apply to procurement by central and sub-central government authorities, contracts related to utilities, and for concessions. To better accommodate smaller initiatives at the local level, these thresholds should be raised, either across the board or for specific actors, such as local social economy actors.

This approach has already been adopted under the EU's State aid framework. The CEEAG and GBER both exclude the following types of initiatives from having to compete in competitive bidding to receive operational aid for renewable energy production:

- for 100 % SME-owned or renewable energy community projects equal to or below 6 MW installed capacity or maximum demand; and
- for projects 100 % owned by small and microenterprises or by renewable energy communities for wind generation only, equal to or below 18 MW of installed capacity.[29]

The public procurement framework should be revised similarly to the EU's State aid rules. The CEEAG and GBER also use the EU's definition of RECs from Article 2(16) of Directive (EU) 2018/2001. This does not require a specific legal form, but it does narrow down the types of actors that can benefit from the exemptions based on the legal entity's objectives (around providing social, economic or environmental benefits to the community rather than profits), its governance/participation structure, and its local anchoring in the community. As a potential option, energy communities could be

[29] CEEAG, paragraph 107(b)(iv)-(v).

integrated into Article 43 of Directive (EU) 2014/24 which allows local authorities to require a label to justify environmental, social or other characteristics.

Regarding energy communities, they already benefit from having an established basis as a European standard format. It is possible to use energy communities as a basis for dedicated selection/exclusion criteria and technical specifications, because REC and CEC are comparable forms across Europe with similar benefits, according to the EU definitions expressed in the RED II and IEMD.[30] This implies that all EU market participants could technically be or build an REC or a CEC. This will allow targeting those forms directly without reducing the scope of competition.

National energy sector-specific legislation has also started leaning towards using energy communities as the basis for giving local governments the freedom to choose community initiatives as a preference for implementing government policy. This approach has also been used by local authorities in order to choose an energy community to carry out an activity without competition. For instance, In the Netherlands, the WCW (Wet Collectieve Warmtevoorziening, or Collective Heat Supply Act) grants energy communities an exemption from competition. Under this exemption, they have the right to establish and operate a small heat network with a maximum of 1,500 connected consumers. Secondly, the energy community can be designated as a heat company for larger heat networks, giving them the exclusive opportunity to operate as a heat company in a specific area. The rationale for such an approach is that cities in the Netherlands have been able to determine based on their own experience that owners of buildings found each other to create small heat networks together.

Such an approach is based on the application of the Maastricht Treaty of subsidiarity, which provides governments with the authority to determine which actor is best able to perform a government task. (i.e. municipality, region/province, State, etc.). Included within their discretion is also whether to allocate the task to the government (itself), the market, or the community.

This application of the subsidiarity principle is included in Italian law,[31] and was relied on by the municipality of Amsterdam.[32] Under the Dutch legal framework, the Amsterdam city council considered in November 2024 three options for implementing policy options in and around heating: doing it themselves, putting it on the market, and shaping it in the public-civil domain, meaning letting the community take over the work. Looking at climate and energy policy, Amsterdam indicated that a market party or energy community could be given priority if they can achieve a goal faster, better, or cheaper than the municipality itself. Here, the energy community acts as an alternative

[30] Article 2(16) and Article 2(11), respectively.
[31] *See* Salati, C (2023). The forgotten meaning of the EU principle of subsidiarity. Horizontal subsidiarity in Italian local governments, Governance Papers DiGoP 02/2023, Eurac Research, Bolzano/Bozen, Italy, 2023.
[32] See Hijfte, P (2025). Amsterdammers krijgen volwaardige positie in de energietransitie.

alongside the government and the market and is not part of the market. The community is a party chosen from the list of government, market, and community. Amsterdam used the EU legislation, and the definitions of energy communities as the basis for this determination. Furthermore, the city is undergoing a process to enter energy cooperatives into a 'commons register' as an energy community.

3. Public Procurement legislation should allow local authorities to develop procedures dedicated to energy communities

There is also a need for the EU public procurement framework to promote social economy criteria in procurement, namely through the allocation of reserved spaces. This would imply creating reserved procurement procedures for the social economy, or for energy communities. Such an option would be uniquely relevant considering the benefits associated with the social economy and the inherent market imbalance imposed on those organisations. Following from the EU legal principle of equality, social economy actors are sufficiently different from traditional enterprises that they should benefit from different treatment (in this case, i.e. dedicated or separate procedures). Being recognised under a social economy registry should be an automatic bonus in public procurement procedures.

As with the recommendation above, energy communities already benefit already from having an established basis as a European standard format. It is possible to use energy communities as a basis for dedicated selection/exclusion criteria and technical specifications, because RECs and CECs are comparable forms across Europe with similar benefits, according to the EU definitions expressed in the RED II and IEMD. This implies that all EU market participants could technically be or build an REC or a CEC. This will allow targeting those forms directly without reducing the scope of competition.

Some regional and municipal governments are already adopting legislation to provide more targeted space for energy communities in their tendering and concessions procedures. For example, in the Valencian Community of Spain, they legislated that public administrations may transfer municipal land or rooftops through the creation of a surface right, awarded via a public tender reserved for legally constituted cooperatives or RECs (Decree-Law 14/2020, of August 7, of the Regional Government). As a general rule, a public tender is required. However, direct granting is possible under specific, limited circumstances (for example, if the energy community is a recognised nonprofit entity declared to be of public interest, or if the administration itself participates). The competent authority approves the transfer after the necessary technical and legal reports have been issued, and it is formalised in an administrative document or public deed. In addition, the agreement must be publicly announced.

In the Capital Region of Rome, Italy, legislation was adopted to make available areas or renewable energy production facilities in the ownership of Roma Capitale or the

Municipalities to Solidarity Renewable Energy Communities (CERS), or "Ente del Terzo Settore" (ETS, also known as Third Sector Organizations, which are non-profit, civil society entities). This allows for the establishment of relationships between citizens and Administration for the performance of activities of general interest, including the care, social enhancement, regeneration and shared management of common goods, centered on collaboration and based on mutual trust and the sharing of resources and responsibilities, do not generate contractual constraints and which do not have profit-making purposes. The co-design procedure under these Regulations is for the purpose of carrying out the activity of general interest by means of production, storage and sharing activities of energy from renewable sources for self-consumption purposes by making available to CERS/ETS energy produced by renewable source facilities owned by municipalities or areas for the construction of facilities.

In its procedure to allocate concessions for solar roof development, the Municipality of Strasbourg created specific criteria in pre-tender procedure that specified that only organisations taking the form of "citizen energy communities" could participate in the tender. The definition used refers back to the IEMD. This definition narrows eligibility to the types of legal form that can implement specific governance principles instead of identifying one specific legal form. Nevertheless, this allowed the municipality to limit the types of organisations participating. This criterion made the tender widely accessible to actors across Europe since it is a standard shared across the continent. This is an official objective of the European commission for public procurement. Yet, despite this openness, it provides a unique right for a municipality to qualify or disqualify organisations based on organisational principles.

4. Elevation of the legal status of Green and Social Procurement Criteria into the public procurement framework

As a tool for sustainability and the integration of policy goals, the development of relevant Green Public Procurement (GPP) and Social Public Procurement (SPP) criteria could be key to enhancing the recognition of energy communities. However, the GPP and SPP are currently not part of the main text of Directive 2024/24/EU, and instead are included in Annex II of the Directive. As others have explained in this consultation, the limited uptake of GPP as well as broader sustainability considerations in public procurement can be explained by a number of obstacles in the currently applicable public procurement framework, despite efforts by the European Commission to increase voluntary uptake of GPP.

There is a need to further evolve the role that GPP and SPP criteria play in assisting with the integration of policy objectives into public procurement, and their inclusion in the legislative framework. First, there is a need to change the legal basis of the Public Procurement Directives, in order to reorient the directives' primary objectives away from solely market integration towards policy objectives that support the environment and

climate protection. Furthermore, there is a need to revise relevant articles of the Public Procurement Directives that refer to principles of procurement.[33] These provisions already cite existing EU legislation, but given the updates under the CEP, Fit for 55, and REPower EU legislative packages, including provisions that require Member States to set up enabling frameworks for energy communities, and around procurement, further revision is needed. This would provide for a more solid legal basis to develop and use GPP and SPP confidently by local authorities.

Moreover, it is necessary to further develop SPP criteria, as they are substantially less developed than GPP criteria. At the moment, SPP criteria supports authorities in buying ethical products and services, and by using public tenders to create job opportunities, decent work, social and professional inclusion and better conditions for disabled and disadvantaged people. However, this current framing of SPP is overly narrow and does not sufficiently touch upon aspects such as citizen and community participation or empowerment in the energy transition, ensuring public support for renewables, creating awareness and education, combatting energy poverty, and other socio-economic objectives attached to the deployment of renewable energy and energy savings through local citizen-led approaches.

While the guidance developed by the Commission takes some steps to making it clearer how local authorities can integrate social considerations into procurement, energy is still a major blind spot. Furthermore, dedicated SPP criteria are necessary in order to allow local authorities to either exempt or dedicate specific procedures to energy communities, in line with the recommendations above.

5. Reform of MEAT to reflect new needs of EU economy, including local economic, energy, and financial security

Under the CJEU case, *Concordia* C-513/99,[34] environmental considerations can be taken into account to award a contract based on the Most Economically Advantageous Tender (MEAT). Under MEAT, contracting authorities can better take social aspects into account when awarding procurement contracts on the basis of the 'best price-quality ratio (BPQR)', i.e. they can choose the tenders that provide more social benefits. However, they must be related to the subject matter and be specific. This implies that criteria for selecting the winning bid must concern the goods, services or works covered by the contract.

[33] Directive (EU) 2014/24, Articles 18, 56, and 76; and Directive (EU) 2014/25, Articles 36, 76, and 93.
[34] Case C-513/99 *Concordia Bus Finland Oy Ab, formerly Stagecoach Finland Oy Ab v Helsingin Kaupunki and HKL-Bussiliikenne*, ECLI:EU:C:2002:495, [1998] ECR I-0713 para 64.

This does not provide much room for local authorities to tailor procedures towards local actors such as energy communities that provide multiple environment-related benefits but are more social in nature.

There is still a need to further integrate qualitative criteria into the basis for how tenders must be measured or, alternatively, to allow for a more flexible definition of the subject matter requirement under the Concordia decision. We propose moving from MEAT more towards 'Most Efficient and Economically Responsible Tender' (MEERT). This would imply moving further away from price-based criteria and to mandate the consideration of more qualitative criteria around the delivery of other social and economic benefits to the local community, in line with the benefits that have been described in section 1 above (e.g. for instance around implementation of the energy efficiency first principle), and specifically social components that are integrated by local authorities into economic components.

A redefinition of the subject-matter requirement is necessary because, from a sustainability and social responsibility perspective, looking at the performance of bids or contracts only is highly artificial and fails to provide incentives to economic operators to generally improve their sustainability and socio-economic performance.

6. Acknowledgment of local added value in procurement decision making and guidance on how it can be integrated into LCC methodologies

Allowing local authorities to introduce geographical or local award criteria when it comes to REC projects would support the effort of local authorities to enable energy communities at the local level. Directive 2014/24/EU requires contracting authorities to award the most economically advantageous tender using a price or a cost effectiveness approach, such as life cycle costing (LCC) under Article 68, or a price-quality ratio which may include qualitative, environmental and/or social aspects.[35]

If LCC is used, it may take account of costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. Directive (EU) 2014/24 clarifies that such costs may include the cost of emissions of greenhouse gases and other pollutant emissions and other climate change mitigation costs.[36]

Despite the option to base award criteria on LCC or the best price-quality ratio, a large majority of procedures are based on the lowest price only. For example, the European

[35] Directive (EU) 2014/24, Article 67 paragraph 2.
[36] Directive (EU) 2014/24, Article 68.

Court of Auditors found in a special report that in 2021, the share of public contracts awarded on the basis of lowest price exceeded 80% in eight Member States.

Currently, most LCC methodologies do not include governance or societal criteria (benefits and costs) in their methodology. Additionally, the GPP Helpdesk and other responsible procurement tools currently implemented at the EU level do not include social benefits in their methodological guidance. This de facto prevents public authorities from utilising such criteria.

The value of those components is therefore not properly recognised, and when they are, there is no clear methodology for building criteria. Nevertheless, there are studies that demonstrate benefits of locally-owned renewable production by citizens and energy communities compared to other larger developer-led projects. Research in France[37] and Germany[38] shows that locally controlled and financed renewable projects deliver 2 to 8 times more return to the local economy than external developer-led projects. There is also another study produced by Innovate UK showing that place-specific deployment of net zero solutions would cost just £58bn investment and would release £108bn of energy savings for consumers, compared to place-agnostic deployment of the same measures, which would require £195bn of investment and would release £57bn of energy savings.[39] The same study also showed that local actions result in almost twice the wider social benefits (£825bn) than place-agnostic actions (£444bn expected in wider social benefits).

These and other studies show that it is possible not just to quantify additional social and economic benefits of local delivery of climate and energy action, but also to compare it to the same actions carried out by outside commercial actors. These studies contain methodologies that can be tested and replicated to allow local authorities to properly value social benefits in public procurement.

The Public Procurement Directives should be revised to better enable LCC under Article 68 to measure and verify social impacts to take into account social benefits in award criteria. Furthermore, the Commission should help with the creation of a workable and well-recognised methodology, and the development of easy-to-use tools to help measure social impacts in LCC, using existing studies. This could also be linked to the evolution of the status of SPP Criteria, which can provide guidance and put in place a framework that will provide local authorities with clarity and confidence when designing tenders aimed to deliver social value.

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[37] Energie Partagee (2019). Les retombées économiques locales des projets citoyens d'énergie renouvelable.
[38] Wilkens, I and Wetzel, H (2023). "Regionale Wertschöpfung in der Windindustrie am Beispiel Nordhessen II – Kurzstudie zur Aktualisierung der Daten" (Universität Kassel)
[39] Innovate UK (2022). Accelerating Net Zero Delivery: Unlocking the benefits of climate action in UK city-regions.

7. Regional support structures are needed to help support smaller municipalities

Due to the time and resources required by municipalities to pursue social innovation through public procurement, municipalities could benefit from dedicated technical and legal assistance. In fact, most public authorities tend to adopt simplistic forms due to their lack of capacity and risk aversion. The empowerment of local authorities is crucial to ensure that procedures become more inclusive and better adapted.

There are examples of formal assistance that can be provided to local authorities, for instance through providing regional expert support (central purchasing) teams at the regional levels. The service is provided through a framework contract by the Region. When the Belgian city of Ghent developed a tender to conclude PPAs with the aim of covering at least 30% of its electricity consumption of public buildings with local sourced renewables, they used the support of Vlaams Energiebedrijf (VEB), an independent public agency that supports local authorities in energy matters. With this support, Ghent was able to create minimum requirements for half of the production to be owned by an energy community. The VEB also helped the municipality draft a contract proposal to discuss with the local energy community, Beauvant, who won the bid. The VEB has also helped support a number of other municipalities tailor procurement procedures to energy communities in the Flemish region.

The EU's public procurement framework should promote and provide better assistance to municipalities so they can enhance their capacity to pursue innovative procurement that aligns with established climate, energy and environmental policy objectives Specifically, regional or centralised assistance similar to the regional support provided in Flanders should be made available to all municipalities, particularly smaller ones with less resources. As Member States have different levels of local and regional governance, such structures could be designed at regional, national or other level.

Similar support structures are already becoming more common in the energy sector. For instance, One Stop-Shops (OSS) have emerged as an effective way to support the set-up and development of energy community projects .OSS provide a range of services (e.g. administrative, technical, capacity-building and financial assistance) to energy communities and municipalities to help them overcome barriers in the process of setting up their organization and/or projects at different stages of the process.[40] EU energy legislation already requires Member States to set up OSS and similar structures to help simplify administrative procedures and provide information. For instance, single permitting contact points have been set up under the RED II,[41] and OSS have been established for RECs as part of the legal framework required under Article 22 of the RED

[40] Energy Communities Repository (2023). Setting up Community Energy One-Stop-Shops, p 3.
[41] RED II, Article 16.

II. Member States are also required to set up OSS to provide technical assistance education and training under the Energy Performance of Buildings Directive[42] and Energy Efficiency Directive.[43]

In line with requirements under existing EU energy legislation, the Public Procurement Directives should be revised to include a requirement for Member States to set up assistance programmes to help local authorities develop public procurement and concessions procedures to collaborate with local citizens, energy communities, and other mission-driven initiatives around energy, food, etc. Such assistance will provide local authorities with technical assistance, allowing them to innovate with confidence and the ability to more effectively target and shape tenders towards the achievement of policy objectives.

[42] Directive (EU) 2024/1275, Article 9 paragraph 4(b); and Article 17 paragraph 12; and Article 18.
[43] Directive (EU) 2023/, Article 22 paragraphs 3-6.