

**Amendment 2****Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report****A9-0343/2023****Christian Ehler**

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation****Article 19 – paragraph 1***Text proposed by the Commission**Amendment*

1. Contracting authorities or contracting entities shall base the award of contracts for net-zero technology listed in the Annex in a public procurement procedure on the most economically advantageous tender, which shall include the best price-quality ratio, comprising at least the sustainability and resilience contribution of the tender, in compliance with Directives 2014/23/EU, 2014/24/EU, or 2014/25/EU and applicable sectoral legislation, as well as with the Union's international commitments, including the GPA and other international agreements by which the Union is bound.

1. Contracting authorities or contracting entities shall base the award of contracts for net-zero technology listed in the Annex in a public procurement procedure on the most economically advantageous tender, which shall include the best price-quality ratio, comprising at least the sustainability and resilience contribution of the tender, in compliance with Directives 2014/23/EU, 2014/24/EU, or 2014/25/EU and applicable sectoral legislation, as well as with the Union's international commitments, including the GPA and other international agreements by which the Union is bound. ***Contracting authorities or contracting entities shall ensure that the procurement process is open, non-discriminatory and transparent, allowing fair competition among all eligible suppliers.***

Or. en

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A9-0343/3

**Amendment 3**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
**Christian Ehler**

**A9-0343/2023**

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation**  
**Article 19 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The tender's sustainability **and resilience** contribution shall **be based on** the following **cumulative** criteria which shall be objective, transparent and non-discriminatory:

*Amendment*

2. The tender's sustainability contribution shall **take into account** the following criteria which shall be objective, transparent and non-discriminatory:

Or. en

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A9-0343/4

**Amendment 4**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
**Christian Ehler**

**A9-0343/2023**

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(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) environmental sustainability **going beyond** the minimum requirements in applicable legislation;

(a) environmental sustainability, **fulfilling at least** the minimum requirements in applicable **Union** or **national** legislation **or going beyond**;

Or. en

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A9-0343/5

**Amendment 5**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
**Christian Ehler**

**A9-0343/2023**

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
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**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) where an innovative solution ***needs to be*** developed, the impact and the quality of the implementation plan, including risk management measures;

(b) where an innovative solution ***is*** developed, the impact and the quality of the implementation plan, including risk management measures;

Or. en

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A9-0343/6

**Amendment 6**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
**Christian Ehler**

**A9-0343/2023**

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d)     the tender's contribution to resilience, taking into account the proportion of the products originating from a single source of supply, as determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>72</sup>, from which more than 65% of the supply for that specific net-zero technology within the Union originates in the last year for which data is available for when the tender takes place.**

**deleted**

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<sup>72</sup>     **Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).**

Or. en

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A9-0343/7

**Amendment 7**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
**Christian Ehler**

A9-0343/2023

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation**  
**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The tender's resilience contribution shall take into account the following criteria, which shall be objective, transparent and non-discriminatory: the tender's contribution to resilience, with a focus on diversification of the corresponding supply chains, the energy security of the Union and the security of supply. The supply shall be deemed to be insufficiently resilient and diversified where a single non-Union source, as determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>72</sup>, supplied in the last year for which the data is available more than 65% of the total demand within the Union for a specific net-zero technology or the key components for the production of these technologies. The Commission will adopt an implementing act specifying the application of this criteria in accordance with Article 22(2).**

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<sup>72</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).



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**Amendment 8**  
**Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report**  
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**A9-0343/2023**

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**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Contracting authorities and contracting entities shall give the tender's sustainability and resilience contribution a weight between 15% and 30% of the award criteria, without prejudice of the application of Article 41 (3) of Directive 2014/23/EU, Article 67 (5) of Directive 2014/24/EU or Article 82 (5) of Directive 2014/25/EU for giving a higher weighting to the criteria referred to in paragraph 2, points (a) and (b).

3. Contracting authorities and contracting entities shall give the tender's sustainability and resilience contribution a weight between 15% and 30% of the award criteria, ***taking into account both the sustainability and the resilience contribution in a balanced way***, without prejudice of the application of Article 41 (3) of Directive 2014/23/EU, Article 67 (5) of Directive 2014/24/EU or Article 82 (5) of Directive 2014/25/EU for giving a higher weighting to the criteria referred to in paragraph 2, points (a) and (b).

Or. en



**Amendment 9****Anna Cavazzini**

on behalf of the Committee on the Internal Market and Consumer Protection

**Report****A9-0343/2023****Christian Ehler**

Framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem (Net Zero Industry Act)  
(COM(2023)0161 – C9-0062/2023 – 2023/0081(COD))

**Proposal for a regulation****Article 19 – paragraph 4***Text proposed by the Commission**Amendment*

4. The contracting authority or the contracting entity **shall not be obliged** to apply **the considerations relating to** the sustainability and resilience contribution of net-zero technologies where their application would oblige that authority or entity to acquire equipment having disproportionate costs, or technical characteristics different from those of existing equipment, resulting in incompatibility, technical difficulties in operation and maintenance. Cost differences above 10% may be presumed by contracting authorities and contracting entities to be disproportionate. This provision shall be without prejudice of the possibility to exclude abnormally low tenders under Article 69 of Directive 2014/24/EU and Article 84 of Directive 2014/25/EU, and without prejudice to other contract award criteria according to the EU legislation, including social aspects according to Articles 30 (3) and 36 (1), second intent of Directive 2014/23/EU, Articles 18 (2) and 67 (2) of Directive 2014/24/EU and Articles 36 (2) and 82 (2) of Directive 2014/24/EU.

4. **By way of derogation from paragraph 3**, the contracting authority or the contracting entity **may decide not** to apply the sustainability and resilience contribution of net-zero technologies where their application would **clearly** oblige that authority or entity to acquire equipment having disproportionate costs, or technical characteristics different from those of existing equipment, resulting in incompatibility, technical difficulties in operation and maintenance. Cost differences above 10%, **compared to a tender without the sustainability and resilience contribution**, may be presumed by contracting authorities and contracting entities to be disproportionate. This provision shall be without prejudice of the possibility to exclude abnormally low tenders under Article 69 of Directive 2014/24/EU and Article 84 of Directive 2014/25/EU, and without prejudice to other contract award **and exclusion** criteria according to the EU legislation., including **quality and** social aspects according to Articles 30 (3) and 36 (1), second intent of Directive 2014/23/EU, Articles 18 (2) and 67 (2) of Directive 2014/24/EU and Articles 36 (2) and 82 (2) of Directive 2014/24/EU.

