



InnoMatch

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EIC INNOVATION PROCUREMENT PROGRAMME

Guidance document

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Guidance document

Introduction

This document contains the main Frequently Asked Questions (FAQs) related to innovation procurement, offering a comprehensive and accessible overview especially for public buyers interested in understanding what innovation procurement is, why it is worth pursuing, and which procedures and strategies are most appropriate, especially after the implementation of the pilots/POC case during the InnoMatch programme.

(F.A.Q.)

1. What is innovation procurement?
2. What are the benefits of Innovation procurement?
3. What does the procurement of research and development services entail, and which procedures apply?
4. What does the procurement of non-research and development services entail, and which procedures apply?
5. How does innovation procurement relate to the InnoMatch project?
6. What are the possible adoption processes after the InnoMatch project?

Disclaimer for private buyers:

Private Sector Innovation Procurement (PSIP) refers to the process by which private sector entities contract other private companies to procure innovative goods and services, including those offered by startups and SMEs. It is essential to note that private procurement is exempt from public procurement regulations. However, innovation procurement in the private sector, while more flexible, is still shaped by a range of legal frameworks at both national and EU levels. For more information on PSIP, please refer to [Module C of the EIC Innovation Procurement Toolkit](#).

These FAQs are targeted at public buyers, as they are the only ones subject to the European public procurement directives – Directive 2014/24/EU for the general public sector, Directive 2014/25/EU for entities operating in the water, energy, transport and postal services sectors, and Directive 2014/23/EU on the award of concession contracts.

1. What is innovation procurement?

Innovation Procurement is one of the three pillars of the European Commission's Strategic Procurement, along with Green Public Procurement and Socially Responsible Public Procurement. Innovation procurement refers to the acquisition of innovative solutions through public procurement processes, and includes both¹:

- The procurement of the innovation process itself, such as research and development (R&D) services.
- The procurement of innovative outcomes, meaning goods or services that are new or significantly improved and not yet available on the market at scale.

To better understand the strategic relevance of innovation procurement, please refer to the [Introduction Module of the EIC Innovation Procurement Toolkit](#).

To foster innovation procurement, a range of public procurement procedures is available depending on the nature of the innovation sought and the specific circumstances under which the contracting authority operates.

In line with the [EIC Innovation Procurement Toolkit – Module A \(R&D Procurement\)](#) and [Module B \(Non-R&D Procurement\)](#) – different procedures are recommended depending on whether the procurement concerns research and development activities or the acquisition of innovative solutions already close to market.

According to **Module A**, which focuses on R&D procurement, suitable procedures include:

- Pre-Commercial Procurement (PCP), which falls outside the scope of Directive 2014/24/EU and enables the phased and competitive procurement of R&D services.
- The Negotiated procedure without prior publication for research purposes (Article 32(2)(a) of Directive 2014/24/EU).
- The Innovation Partnership (Article 31 of the Directive 2014/24/EU), when both the development and subsequent purchase of an innovative solution are foreseen.
- The Design Contest, a competitive tendering procedure governed by Title III, Chapter II of Directive 2014/24/EU, also falls within the range of available options for public authorities aiming to acquire innovative outcomes, particularly in fields such as architecture or engineering.

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=oj:JOC_2021_267_R_0001

In contrast, **Module B**, which addresses Non-R&D procurement, recommends the use of the following procedures, which are well-suited for acquiring innovative solutions already developed or nearing commercialisation. These include:

- The Open Procedure and Restricted Procedure (Art. 27-28 of the Directive 2014/24/EU).
- Negotiated procedures – without prior publication (Article 32 of Directive 2014/24/EU, in some exceptional cases), and with prior publication (Article 47 of Directive 2014/25/EU).
- The Competitive Procedure with Negotiation (Article 29 of Directive 2014/24/EU) and the Competitive Dialogue (Article 30 of Directive 2014/24/EU).

2. What are the benefits of innovation procurement?

- Innovation procurement improves public services by introducing innovative solutions that enhance their efficiency.
- It plays a strategic role in steering supply towards innovation, influencing market dynamics and encouraging the development of products and services tailored to specific public needs.
- It stimulates the competitiveness of the private sector, particularly by fostering the participation of SMEs and start-ups, which are often the main providers of innovative solutions.
- In addition to boosting economic growth, innovation procurement drives the green transition by promoting sustainable and resource-efficient approaches.
- It encourages collaboration between the public and private sectors, creating synergies that support co-creation, digital transformation, and long-term resilience.

3. What does the procurement of research and development services entail, and which procedures apply?

Research and development (R&D) services involve activities focused on designing and testing prototypes to develop innovative solutions that are not yet commercially available. These services are closely tied to the concept of Technology Readiness Levels (TRLs), as the maturity of a given solution is determined by its TRL stage. Projects regarding R&D services are placed between levels 1-8 of the maturity of the solution in question.

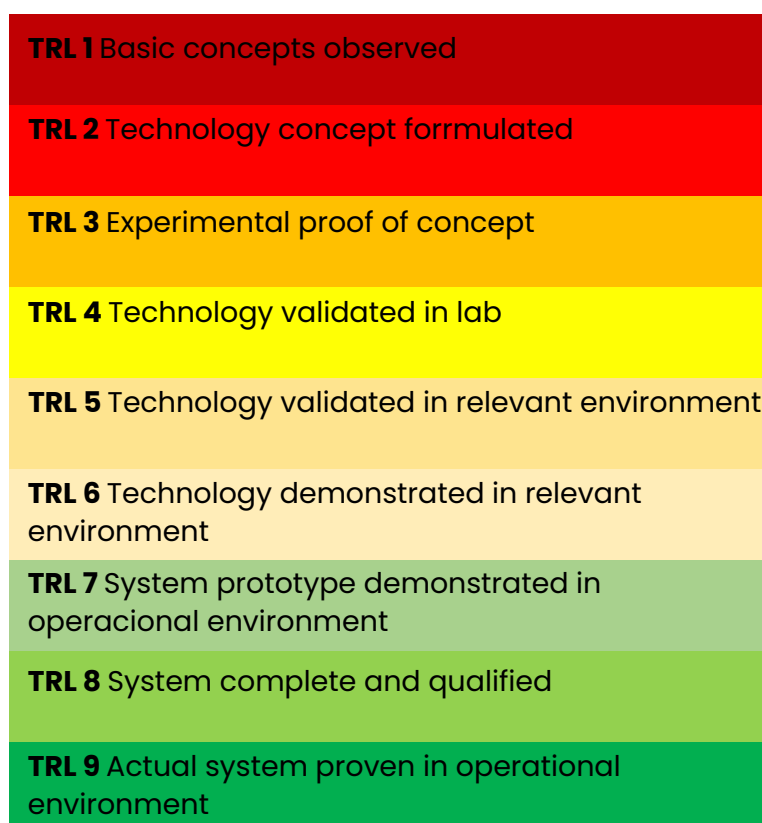


Figure 1: Technology Readiness Levels (TRL) explained

Specifically, the procurement of R&D services includes the following procedures:

- In **Pre-Commercial Procurement (PCP)**, the solution required by the contracting authority is not yet available on the market and needs to be developed through research and development (R&D) phases aimed at creating prototypes and test solutions that are not currently available on the market, nor ready for commercial use. The R&D services include different phases:
 - Solution design: Selected suppliers conduct feasibility studies to assess the technical and economic viability of proposed innovative approaches in response to the identified needs.
 - Prototype development: The most promising concepts are translated into functional prototypes, allowing for preliminary testing and performance assessment under controlled conditions.
 - Testing phase: Prototypes are further refined and tested in real-life or simulated environments to validate their effectiveness and usability.

- **Negotiated procedure to contract R&D services** is regulated by Article 32 (3) (a) of Directive 2014/24/EU. The negotiated procedure without prior publication can be used for public supply contracts involving products developed exclusively for research, experimentation, study, or development. A key condition is that the contract must exclude mass production or commercial-scale supply, to avoid turning it into a standard supply contract and to prevent distortion of market competition. Although this procedure bypasses standard publication and competition, contracting authorities must still uphold equal treatment, non-discrimination, and proportionality. Its use must be justified and documented.
- **Innovation partnership** (Art. 31 of the Directive 2014/24/EU): applied when a suitable solution does not yet exist on the market and the contracting authority acts as a "launch customer", aiming to develop innovative products, services, or works and subsequently procuring them, provided that the agreed performance levels and maximum costs are met under the contract between the contracting authority and the economic operators. The procedure combines the research and development (R&D) phases and the acquisition phase into a single tender process, ensuring an integrated approach to the development and adoption of innovative solutions. The Innovation partnership process takes place in three phases:
 - Selection Phase: Any economic operator may respond to a contract notice with a request to participate. The contracting authority evaluates requests based on pre-established minimum requirements.
 - Research and Development Phase: Only selected economic operators invited by the contracting authority can participate in this phase to develop the new solution. This phase may be divided into stages such as concept evaluation, prototype development, and performance testing. The number of partners may be reduced progressively based on predefined criteria.
 - Commercial Phase: The final solution is delivered, following successful completion of the research and development phase. The Directive 2014/24/EU mandates that contracts under this procedure must be awarded based on the Most Economically Advantageous Tender (MEAT) criterion, ensuring that both quality and price are considered.
- A **design contest**, regulated by Articles 78–82 of Directive 2014/24/EU, is a competitive procurement procedure primarily used when the contracting authority seeks to acquire a preliminary plan or design (e.g. in fields such as architecture, urban planning, engineering, data processing, etc.). It serves as a pre-selection tool to identify the best ideas before awarding a service contract. The contracting authority initiates the process by publishing a contest notice which outlines the project objectives, technical specifications, evaluation criteria, potential prizes or remuneration, the composition of the jury panel, and whether the contest will result in a follow-up service contract.

A jury of independent experts evaluates the entries based on predefined criteria such as design quality, functionality, innovation, and sustainability. The contest may include monetary prizes or compensation, especially in two-stage procedures where shortlisted candidates refine their proposals.

For further details on the procurement of R&D services, please consult [Module A of the EIC Innovation Procurement Toolkit](#).

4. What does the procurement of non-research and development services entail, and which procedures apply?

Non-R&D Procurement refers to the purchase by public authorities of innovative solutions that are new or significantly improved, and close to full commercial deployment, without involving the procurement of R&D services. Unlike R&D Procurement, it does not entail research and development activities but rather focuses on the deployment and uptake of existing innovations that are new to the contracting authority, to address pressing public challenges.

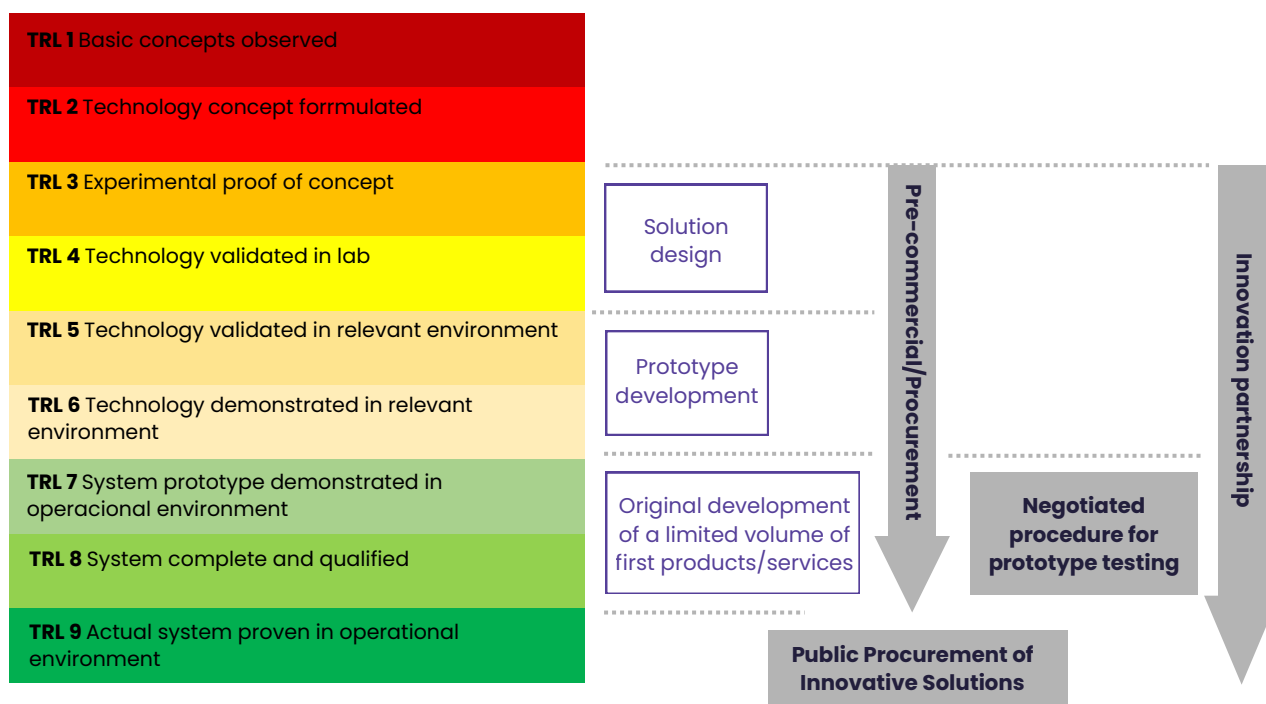


Figure 2: Innovation procurement procedure based on the Technology Readiness Levels (TRL)

Non-R&D procurement refers to procedures of Public Procurement of Innovative Solutions (PPI) regulated by EU Public Procurement Directives (Directive 2014/24/EU and Directive 2014/25/EU) whereby the contracting authority acts as a launch customer for innovative solutions that are not yet available on a large-scale commercial basis (TRL=9). PPI does not involve research and development (R&D) services but may require validation and testing to verify that the solutions meet the specific needs of the contracting authority.

Public Procurement of Innovative Solutions (PPI) refers to a strategic approach that can be implemented through the following procedures:

- **Competitive procedure with negotiation** (Art. 29 of Directive 2014/24/EU): It is a procurement procedure used when standard solutions present on the market are not suitable and negotiations are needed to refine offers. It consists of three main phases:
 - Selection Phase: A contract notice is published, and only pre-selected economic operators, based on initial evaluations, are invited to submit initial offers, which will form the basis for negotiations.
 - Negotiation Phase: The contracting authority may conduct successive rounds of negotiation, progressively reducing the number of candidates by selecting those best meeting the requirements and award criteria. Once negotiations are closed, the remaining suppliers are invited to submit final bids.
 - Award Phase: The final offers are evaluated based on the award criteria defined in the contract notice. The contract is then awarded accordingly.
- **Competitive dialogue** (Art. 30 of the Directive 2014/24/EU): This procedure is suitable when a solution is available on the market, but the contracting authority is unable to define the technical specifications of the contract in advance; therefore, a dialogue phase is needed with potential bidders to develop these specifications. It consists of three phases:
 - Selection Phase: A contract notice is published, and only pre-selected economic operators, based on initial evaluations, submit a request to participate.
 - Dialogue Phase: A structured discussion takes place in successive stages with the selected candidates to refine technical aspects and narrow down potential solutions. Once a suitable approach is identified, the dialogue is closed, and final offers are requested.
 - Award Phase: The contract is awarded based on the predefined criteria set out in the contract notice. The contract must be awarded with the most economically advantageous tender (MEAT) criterion.

- **Open Procedure** (Art. 27 of the Directive 2014/24/EU): Any interested economic operator may submit a tender in response to a call for competition. This procedure does not involve a pre-selection phase, meaning all bidders can submit a full bid directly.
- **Restricted Procedure** (Art. 28 of the Directive 2014/24/EU): This is a two-stage process. First, any economic operator may submit a request to participate in response to a call for competition. Then, only those invited by the contracting authority, following an assessment of the initial information provided, may submit a tender.
- **Negotiated Procedure without Prior Publication** (Art. 32 of the Directive 2014/24/EU): this procedure may only be used in specific and exceptional cases, which must be duly justified by the contracting authority.
- **Negotiated Procedure with Prior Publication** (Art. 47 of the Directive 2014/25/EU): a procedure that contracting authorities in the utilities sector may choose, alongside the open and restricted procedures, without the need to demonstrate exceptional circumstances.

For more information on the Non-Research&Development (R&D) procurement, please refer to [Module B of the EIC Innovation Procurement Toolkit](#).

5. How does innovation procurement relate to the InnoMatch project?

The InnoMatch 12-month programme will fund a total of 38 pilot testing or proof-of-concept demonstrations of innovative solutions developed by EIC Horizon Europe Awardees, targeting both public and private buyers. It's important to note that InnoMatch is an Action Grant; it is governed by both the EU Financial Regulation (2018/1046) and the Horizon Europe Regulation (2021/695). The granting authority is the European Innovation Council and SMEs Executive Agency (EISMEA).

During the InnoMatch project, it is important to clarify that no innovation procurement procedure will be developed. Indeed, the selected buyer will sign a Memorandum of Understanding (MoU) with the chosen EIC Horizon Europe Awardee to establish the terms and conditions of the InnoMatch project, specifying the roles and responsibilities of each party involved. It should be noted that during the final two phases of the project (Deployment Phase and Assessment Phase), a Post-Pilot Adoption Plan will be drafted. Through this plan, the buyer will receive support in identifying the most suitable procurement procedure for adopting the developed solution, if requested.

Following the InnoMatch project, the buyer may decide to proceed with the adoption of the developed solution. Given that the project focuses on the piloting and proof-of-concept development of an innovative solution, it is likely that, in the case of a public buyer, an innovation public procurement procedure may be launched after its conclusion.

6. What are the possible adoption processes after the InnoMatch project?

At the end of the 12-month InnoMatch programme, public buyers may decide to purchase the developed solution to meet their needs. In such cases, different adoption options are available depending on the maturity level of the pilot or proof-of-concept (POC) results. However, participation in the InnoMatch programme does not entitle the EIC awardee to any exclusive right to be awarded a contract.

The following guidance is based on EU Public Procurement Directives. Please make sure to adapt it according to your national transposition law. For simplified procedures applicable to contracts below the EU thresholds, which are not expressly regulated by EU Public Procurement Directives, reference should be made to the applicable national legislation.

Below are a few examples of possible adoption options:

- If the solution has already been tested, with no need for further R&D phases (prototype development and testing) then the procurement falls under non-R&D procurement, and the following procedures may be considered:
 - Competitive Procedure with Negotiation (Art. 29 of Directive 2014/24/EU): This can be used where there is no need to refine the technical specifications further, but the contracting authority wants to explore the market to assess similar solutions and refine its needs.
 - Competitive Dialogue (Art. 30 of Directive 2014/24/EU): This is suitable if the technical specifications of the solution still need to be defined, and a structured dialogue with several economic operators is necessary.
 - An Open or Restricted procedure (Art. 27–28 of the Directive 2014/24/EU) may also be used to procure an innovative solution that does not involve R&D services, by specifying the solution requirements in the technical specifications. These procedures, typically applied to high-value contracts to ensure maximum competition, do not allow for negotiations with economic operators.

- Negotiated procedure with prior publication (Art. 47 of Directive 2014/25/EU) is available to contracting authorities operating in utilities sectors such as water, energy, transport, and post, regardless of the contract value. The contracting authorities can negotiate with shortlisted bidders on the initial proposals submitted, aiming to refine the contract terms and find the most suitable solution.
- Negotiated procedure without prior publication is suitable in the cases expressly provided for in Article 32 of Directive 2014/24/EU, which must be appropriately justified by the contracting authority. For example:
 - Article 32 (2)(a): Where no tenders or no suitable tenders have been submitted in response to a prior open or restricted procedure.
 - Article 32 (2)(c): Where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for open, restricted or competitive procedures with negotiation cannot be complied with.
- Simplified procurement procedures, which are subject to less stringent rules compared to formal, open, or restricted procedures, may be used when the estimated value of the contract is below specified thresholds (such as direct awards). These procedures are not regulated by the EU Public Procurement Directives and differ across Member States, so it is important to consult your national legal framework.
- In cases where the contracting authority aims to procure only a prototype for research or experimentation purposes, it may use the Negotiated procedure without prior publication, Article 32 (3) (a) of Directive 2014/24/EU. This procedure must be duly justified by the contracting authority and is permitted only for limited production intended for study or development purposes. It must not be used as a substitute for a standard supply contract aimed at commercial exploitation.
- If the contracting authority has already launched an open market consultation before applying for the InnoMatch Open Call and has verified that there are no available competitors on the market, it may exceptionally opt for a Negotiated procedure without prior publication (Article 32 (2) (b) of Directive 2014/24/EU), on the grounds of technical non-substitutability.
- If the solution still requires a further validation phase (up to TRL 7), an Innovation Partnership (Art. 31 of the Directive 2014/24/EU) can be considered. This procedure is appropriate when the solution still needs some R&D activities, since it combines research, development and procurement within a single contract, with the buyer acting as the first customer.

In synthesis:

Step 1: Assess Solution Readiness (Technical Maturity)

Key Question 1:

What is the Technology Readiness Level (TRL) of the solution after the pilot?

TRL 1 Basic concepts observed
TRL 2 Technology concept formulated
TRL 3 Experimental proof of concept
TRL 4 Technology validated in lab
TRL 5 Technology validated in relevant environment
TRL 6 Technology demonstrated in relevant environment
TRL 7 System prototype demonstrated in operational environment
TRL 8 System complete and qualified
TRL 9 Actual system proven in operational environment

Figure 1: Technology Readiness Levels (TRL) explained

TRL Range	Interpretation	Example
TRL 1-6	Concept to lab validation	Needs further R&D
TRL 7	System prototype in an operational environment	Some R&D and testing needed
TRL 8-9	Final system qualified and proven	Ready for deployment

Step 2: Define Procurement Objective

Key Question 2:

What is the purpose of your next procurement step?

- Acquire additional R&D to refine/test → Consider PCP or Innovation Partnership
- Purchase a prototype for research, experimentation, study or development → Consider Negotiated Procedure for R&D-only

- Buy a working solution (not yet widely marketed) → Consider Competitive Dialogue or a competitive procedure with negotiation
- Buy an innovation-ready-to-scale solution → Use Open, Restricted, or Negotiated Procedure

Step 3: Evaluate Market

Key Question 3:

Has an Open Market Consultation (OMC) been conducted?

- Yes → Use OMC results to justify choice of procedure
- No → Consider launching an OMC to understand market capacity

Step 4: Select Procurement Procedure Based on Readiness

