

OVERVIEW OF THE EU LEGISLATION WITH REFERENCE TO GPP

MANDATORY REQUIREMENTS

LEGAL ACT	BRIEF DESCRIPTION	DETAILED PROVISIONS
<p>Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC</p> <p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:114:0064:0085:EN:PDF</p>	<p>The aim of this Directive is to improve energy efficiency, manage demand and reduce energy consumption across Europe. Member States will be required to save 9% of their final energy consumption within 9 years of application of this Directive each year from 2008 for nine years. Member States shall take cost-effective, practicable and reasonable measures designed to contribute towards achieving this target.</p> <p>The public sector in each Member State should set a good example regarding investments, maintenance and other expenditure on energy-using equipment, energy services and other energy efficiency improvement measures. Furthermore, the public sector should attempt to use energy efficiency criteria in tendering procedures for public procurement.</p>	<p>Article 5 Energy end-use efficiency in the public sector</p> <p>1. Member States shall ensure that the public sector fulfils an exemplary role in the context of this Directive. To this end, they shall communicate effectively the exemplary role and actions of the public sector to citizens and/or companies, as appropriate. Member States shall ensure that energy efficiency improvement measures are taken by the public sector, focussing on cost-effective measures which generate the largest energy savings in the shortest span of time. Such measures shall be taken at the appropriate national, regional and/or local level, and may consist of legislative initiatives and/or voluntary agreements (...) or other schemes with an equivalent effect. Without prejudice to national and Community public procurement legislation:</p> <ul style="list-style-type: none"> — at least two measures shall be used from the list set out in Annex VI; — Member States shall facilitate this process by publishing guidelines on energy efficiency and energy savings as a possible assessment criterion in competitive tendering for public contracts. Member States shall facilitate and enable the exchange of best practices between public sector bodies, for example on energy efficient public procurement practices, both at the national and international level (...). <p>ANNEX VI List of eligible energy efficient public procurement measures</p> <p>Without prejudice to national and Community public procurement legislation, Member States shall ensure that the public sector applies at least two requirements from the following list in the context of the exemplary role of the public sector as referred to in Article 5:</p> <ul style="list-style-type: none"> (a) requirements concerning the use of financial instruments for energy savings, including energy performance contracting, that stipulate the delivery of measurable and pre-determined energy savings (including whenever public administrations have outsourced responsibilities); (b) requirements to purchase equipment and vehicles based on lists of energy-efficient product specifications of different categories of equipment and vehicles to be drawn up by the authorities or agencies

		<p>referred to in Article 4(4), using, where applicable, minimised life-cycle cost analysis or comparable methods to ensure cost effectiveness;</p> <p>(c) requirements to purchase equipment that has efficient energy consumption in all modes, including in standby mode, using, where applicable, minimised life-cycle cost analysis or comparable methods to ensure cost effectiveness;</p> <p>(d) requirements to replace or retrofit existing equipment and vehicles with the equipment listed in points (b) and (c);</p> <p>(e) requirements to use energy audits and implement the resulting cost-effective recommendations;</p> <p>(f) requirements to purchase or rent energy-efficient buildings or parts thereof, or requirements to replace or retrofit purchased or rented buildings or parts thereof in order to render them more energy-efficient.</p>
<p>Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (Energy Star) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:039:0001:0007:EN:PDF</p>	<p>The Regulation establishes the rules for the Community energy efficiency labelling programme for office equipment as defined in the <i>Agreement of 20 December 2006 between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment</i></p> <p>This Regulation applies to the office equipment product groups defined in Annex C to the Agreement, The Annex C contains complete specifications for Computer Equipment, Monitors and Imaging Equipment. (see detailed provisions for Regulation (EC) 106/2008)</p> <p>The Regulation obliges central government and EU institutions to purchase IT office equipment complying with energy efficiency requirements not less demanding than the ones set out for Energy Star.</p>	<p>Article 6 Promotion of energy-efficiency criteria</p> <p>For the duration of the Agreement, the Commission and the other Community institutions, as well as central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, shall, without prejudice to Community and national law and economic criteria, specify energy-efficiency requirements not less demanding than the Common specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive*.</p> <p>*The values of public contracts which fall within the application of provisions of the Directive 2004/18/EC were specified in its Article 7 (Threshold amounts for public contracts). Subsequently, the threshold values were changed by the Commission Regulation (EC) No 1422/2007 amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts. The current threshold value for supply contract amounts to 133 000 EUR. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:317:0034:0035:EN:PDF</p> <p>Detailed specifications for office equipment can be found at</p>

		<p>www.eu-energystar.org. Computer Equipment http://www.eu-energystar.org/downloads/legislation/20061228/1_38120061228en-annexC8_CE.pdf Monitors http://www.eu-energystar.org/downloads/legislation/20061228/1_38120061228en-annexC2_Monitor.pdf Imaging Equipment http://www.eu-energystar.org/downloads/legislation/20061228/1_38120061228en-annexC7_IE.pdf</p>
<p>Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:120:0005:0012:EN:PDF</p> <p>(to be transposed by the Member States by the 4th December 2010)</p>	<p>This Directive applies to the purchase of road transport vehicles by contracting authorities or contracting entities as well as by public service providers who purchase such vehicles under a public service contract for performing public passenger transport services. It obliges these purchasers to take into account energy use, CO² and other pollutant emissions when buying these vehicles. This obligation can be fulfilled either by calculating and taking into account the external costs for energy consumption, CO² and other pollutant emissions when buying vehicles, using the methodology described in Annex of the Directive, either by setting specific technical specifications or award criteria related to the energy and environmental performance of these vehicles.</p>	<p>Article 3 Scope This Directive shall apply to contracts for the purchase of road transport vehicles by: (a) contracting authorities or contracting entities in so far as they are under an obligation to apply the procurement procedures set out in Directives 2004/17/EC and 2004/18/EC; b) operators for the discharge of public service obligations under a public service contract within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road¹ in excess of a threshold which shall be defined by Member States not exceeding the threshold values as set out in Directives 2004/17/EC and 2004/18/EC*. * as above (Energy Star)</p> <p>Article 5 Purchase of clean and energy-efficient road transport vehicles 1. Member States shall ensure that (...) all contracting authorities, contracting entities and operators referred to in Article 3, when purchasing road transport vehicles, take into account the operational lifetime energy and environmental impacts as set out in paragraph 2 and apply at least one of the options set out in paragraph 3. 2. The operational energy and environmental impacts to be taken into account shall include at least the following: (a) energy consumption; (b) emissions of CO₂; and (c) emissions of NO_x, NMHC and particulate matter. In addition to the operational energy and environmental impacts</p>

		<p>mentioned in the first subparagraph, contracting authorities, contracting entities and operators may also consider other environmental impacts.</p> <p>3. The requirements of paragraphs 1 and 2 shall be fulfilled in accordance with the following options:</p> <p>(a) by setting technical specifications for energy and environmental performance in the documentation for the purchase of road transport vehicles on each of the impacts considered, as well as any additional environmental impacts; or</p> <p>(b) by including energy and environmental impacts in the purchasing decision, whereby:</p> <ul style="list-style-type: none"> – in cases where a procurement procedure is applied, this shall be done by using these impacts as award criteria; and – in cases where these impacts are monetised for inclusion in the purchasing decision, the methodology set out in Article 6 shall be used.
FUTURE MANDATORY REQUIREMENTS		
LEGAL ACT	BRIEF DESCRIPTION	DETAILED PROVISIONS
<p>Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances</p> <p>Consolidated version (2008): http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1992L0075:20081211:EN:PDF</p> <p>RECAST: Communication (2008) 778 final - Proposal for a Directive of the European Parliament and of the Council on the indication by</p>	<p>The Energy Labelling Directive requires retailers to display a comparative label showing the level of energy consumption of household appliances to consumers at the point of sale.</p> <p>The aim of the recast [COM (2008) 778] final of Council Directive 92/75/EEC is to extend its scope, currently restricted to household appliances, to allow for the labelling of all energy-using products including the household,</p>	<p>Article 9 (Communication (2008) 778 final) Public procurement and incentives</p> <p>1. Contracting authorities which conclude public supply, works or services contracts as referred to in Directive 2004/18/EC of the European Parliament and of the Council, which are not excluded by virtue of</p>

<p>labelling and standard product information of the consumption of energy and other resources by energy-related products http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0778:FIN:EN:PDF</p>	<p>commercial and industrial sectors as well as of energy-"related" products, which are non-energy using products such as windows which have a significant potential to save energy once in use or installed (means of transport are excluded). Concerning public procurement, the implementing measures under the Labelling Directive will identify one of the labelling classes as a level below which public authorities would not be allowed to procure.</p> <p>The need for establishing minimum mandatory performance levels for public purchasing was also confirmed in the Communication on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan [COM (2008) 397] according to which, the Labelling Directive shall establish a harmonised base for public procurement and incentives provided by the EU and its Member States.</p>	<p>Articles 12 to 18 of that Directive, shall not procure products which do not meet the minimum performance levels laid down in the applicable implementing measure.</p> <p>2. The criteria for setting minimum performance levels for public procurement in implementing measures shall be the following:</p> <ul style="list-style-type: none"> (a) cost-effectiveness in relation to public finance, (b) the relevance of the products for public procurement, (c) the likelihood of stimulating market transformation towards better performing products, (d) the need to ensure sufficient competition. <p>3. Paragraph 1 shall apply to contracts having a value exclusive of value-added tax (VAT) estimated to be equal or greater than EUR 15000. Implementing measures may set the threshold at a higher value than EUR 15000 exclusive of VAT, taking into account normal purchase prices and volumes.</p> <p>4. Member States shall not provide incentives to products which do not meet the minimum performance levels laid down in the applicable implementing measure.</p> <p>5. When Member States publicly procure or provide incentives for products, they shall express the performance levels in terms of classes as defined in the applicable implementing measure.</p>
<p>Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings Consolidated version (2008) : http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2002L0091:20081211:EN:PDF</p>	<p>The objective of this Directive is to promote the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.</p> <p>This Directive lays down requirements as regards:</p> <ul style="list-style-type: none"> - the general framework for a methodology of calculation of the integrated energy performance of buildings; - the application of minimum requirements on the energy performance of new buildings; - the application of minimum requirements on the energy performance of large existing buildings that are subject to major renovation; 	<p>Directive 2002/91/EC Preamble (16) Public authority buildings and buildings frequently visited by the public should set an example by taking environmental and energy considerations into account and therefore should be subject to energy certification on a regular basis. The dissemination to the public of this information on energy performance should be enhanced by clearly displaying these energy certificates.</p>

<p><u>RECAST:</u> COM(2008) 780 final – <u>Proposal for a directive on the energy performance of buildings</u> http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0780:FIN:EN:PDF</p>	<p>- energy certification of buildings; and - regular inspection of boilers and of air-conditioning systems in buildings and in addition an assessment of the heating installation in which the boilers are more than 15 years old.</p> <p>The aim of the recast of <i>Directive 2002/91/EC on the energy performance of buildings</i> is to clarify and simplify certain provisions, extend the scope of the Directive, strengthen some of its provisions so that their impact is more effective, and to provide for the leading role of the public sector. The threshold of 1000 m² for meeting of the national/regional minimum energy performance requirements when the buildings undergo major renovation is deleted. This will upgrade the energy performance of the existing buildings in order to meet minimum energy performance requirements.</p>	<p>COM(2008) 780 final – Proposal for a directive on the energy performance of buildings</p> <p>Preamble</p> <p>(16) The public sector in each Member State should lead the way in the field of energy performance of buildings, and therefore the national plans should set more ambitious targets for the buildings occupied by public authorities.</p> <p>(18) Public authority buildings and buildings frequently visited by the public should set an example by taking environmental and energy considerations into account and therefore should be subject to energy certification on a regular basis. The dissemination to the public of this information on energy performance should be enhanced by clearly displaying these energy certificates.</p> <p>Article 11 - Issuing of energy performance certificates</p> <p>1. Member States shall ensure that an energy performance certificate is issued for buildings or parts thereof which are constructed, sold or rented out and for buildings where a total useful floor area over 250 m² is occupied by a public authority.</p> <p>Article 12 - Display of the energy performance certificates</p> <p>1. Member States shall take measures to ensure that for buildings where a total useful floor area over 250 m² of a building is occupied by public authorities, the energy performance certificate is displayed in a prominent place clearly visible to the public.</p> <p>2. Member States shall take measures to ensure that where a total useful floor area over 250 m² of a building for which an energy performance certificate has been issued in accordance with Article 11(1) is frequently visited by the public, the energy performance certificate is displayed in a prominent place clearly visible to the public.</p>
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