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Public procurement for a better environment

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INTRODUCTION

The Commission Communication: "An Action Plan for more and better Green public procurement in the EU: a cost-effective way to reduce the environmental impact of public expenditure and stimulate eco-innovation" sets the baseline for renewed EU wide action on Green public procurement (GPP) and refers to a series of actions to be taken by both the Commission and the Member States to ensure an EU wide harmonised uptake of GPP and radically increase the quality and quantity of GPP.

The Communication addresses general policy issues, establishing objectives and setting targets, indicators and monitoring mechanisms, calling for co-operation with the Member States to endorse common GPP criteria which have already been established, as well as to establish new common GPP criteria, and to increased efforts in the field of awareness raising and dissemination of GPP training through existing regional and local networks, linking the use of GPP with the implementation of EU funding mechanisms.

Its chapter 4 describes a process of co-operation with the Member States to identify and endorse useful common GPP criteria and refers, by way of example, to already established common GPP criteria for 4 product groups. Its chapter 7 refers to operational and legal guidance. This operational and legal guidance and the examples of environmental criteria are aimed at contracting authorities who wish to apply GPP policies within their organisation. They could be used as building blocks for national GPP policies. As such, they are included in a separate Commission Staff working document, accompanying the Communication.

1. LEGAL GUIDANCE

1.1. Production process related criteria

The principles of transparency and equal treatment of bidders, best value for money and the free movement of goods and services form the basis of the Public procurement Directives¹. The technical specifications by which contracting authorities define the subject matter of the contract, and the award criteria on the basis of which they compare offers in view of choosing the bid offering best value for money, have to characterise and be relevant for the product, service or work subject of the purchase.

Taking a life cycle approach, production process related criteria contribute to characterising the product or service purchased. In the case of paper for instance, an important environmental impact occurs during the production phase, through emissions to air and water. The EU eco-label for paper therefore includes certain limitations to these emissions.

All production process related criteria (of eco-labelling schemes for instance) can be considered as appropriate for defining a product in a tendering procedure, provided that the conditions laid down hereunder are satisfied, whereas all general environmental management

¹ The new European legal framework for public procurement, Directives 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Directive 2004/18/EC 18 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, have clarified how public purchasers can include environmental considerations into their procurement procedures. A Handbook on environmental public procurement, adopted August 2004, provides additional guidance (http://ec.europa.eu/environment/gpp/guideline_en.htm).

measures under such schemes should not be included as technical specifications or award criteria. Production related criteria should ensure that:

- (1) the criteria, as well as the way in which they are being applied, are compliant with community law, in particular with the principles regarding non-discrimination and equal treatment; this implies, amongst other things, that the criteria have to be measurable/verifiable so as to treat bidders (economic operators) in the same way and allow effective verification of bids against tender documents;
- (2) the criteria concern the production of the products which are to be supplied to the purchasing authority.

1.2. Verification of compliance with environmental criteria

When formulating environmental technical specifications or award criteria, one can also specify the relevant test methods and conformity assessment procedures which should allow for the verification of claims by suppliers regarding compliance with certain environmental requirements as stipulated. Considering the complex and detailed character of certain environmental criteria, the assessment and verification requirements may include testing by independent laboratories.

If the specifications are based on eco-label criteria, the relevant eco-label shall be recognized as proof of compliance. However, other types of proof should also be accepted by the contracting authority. It is up to the tenderer to prove by whatever appropriate means, that the proposed solutions satisfy in an equivalent manner the environmental criteria and corresponding test/conformity assessment methods defined by the technical specifications. An appropriate means may be constituted by a technical dossier of the manufacturer or a test report from a recognized body. In general, public purchasers should seek to leave as wide a choice as possible to the manufacturer or supplier of the product and avoid imposing unnecessary burdens related to testing of compliance. A self-declaration or test report could only be refused if the contracting authority can justify that it cannot be considered appropriate for attesting compliance with criteria and verification requirements.

1.3. Verification of the capacity to execute a contract with environmental considerations

An alternative or complementary way of ensuring that products will comply with technical specifications, is by formulating selection criteria to verify the technical capacity of the bidder to deliver the contract.

The public procurement directives exhaustively list a series of selection criteria that bidders can be asked to comply with. When setting selection criteria, contracting authorities need to take into account the proportionality principle and therefore the nature, quantity or importance and use of the purchased works, supplies or services.

In the case of supply contracts, the Directives refer to samples, descriptions or photographs, as well as to certificates drawn up by official quality control institutes or agencies of recognized competence attesting the conformity of products clearly identified by references to specifications or standards. In the latter case, contracting authorities shall recognize equivalent certificates from bodies established in other Member States. They shall also accept other evidence of equivalent quality assurance measures from economic operators.

In the field of environmental standards or criteria, following types of evidence of a product's or service's compliance with technical specifications or award criteria can be identified :

- Type I Environmental declaration in accordance with ISO 14024 : Flower (European Ecolabel) and other national or (multi)-national eco-labels
- Type III Environmental Declaration in accordance with ISO 14025 : Certified EPD or Environmental Product Declaration
- Statement from accredited third party
- Statement from internal, accredited, laboratory
- Type II Environmental Declaration according to ISO 14021 : Self-Assessment
- Various forms of self-assessment, such as EU mandatory energy labelling systems (random checks are carried out) or self-assessment forms designed by industry itself, for instance in the sector of ICT equipment.

It should be noted that, in the framework of the Environmental Technologies Action Plan, the European Commission is investigating the possibility to establish an EU voluntary system for the verification by third parties of the performance claims of new technologies. Such a system would facilitate the proof of compliance with technical specifications or any other performance claim put forward by economic operators.

In the case of services and works contracts, the Directives state that, in appropriate cases, the contracting authority may ask from the economic operator to indicate the environmental management measures that it will be able to apply when performing the contract. In that case, reference shall be made to the Community Eco-Management and Audit Scheme (EMAS) or to environmental management standards based on the relevant European or international standards certified by bodies conforming to Community law or the relevant European or international standards concerning certification. Contracting authorities also have to accept other evidence of equivalent environmental management measures.

Taking the example of a cleaning service contract with environmental features, a contracting authority could require from bidders to demonstrate their capacity to perform such contract properly through an EMAS or equivalent certificate or by other evidence of equivalent environmental management measures, such as a detailed description of the measures taken and appropriate quality control.

1.4. Formulating an environmental award criterion in the absence of specific GPP criteria

Different formulations are possible for defining award criteria:

- Compliance with a certain standard giving X points in the award phase
e.g.: Bids offering products meeting the latest Euro Standard for vehicles (before it becomes a mandatory Standard) will receive 20 points (out of 100).
- Points awarded proportionally on the basis of performance beyond the minimum requirements in the technical specifications
e.g: Bids offering products with an energy demand even lower than that defined in the technical specifications will receive up to 20 points (out of 100). Offers meeting only the requirements in the technical specifications will receive 0 points. The best offer will receive 20 points. Other offers will receive a proportional number of points.
- Points awarded proportionally on the basis of performance, without any minimum requirements outlined in the technical specifications
e.g: Bids will receive up to 20 points (out of 100) depending on their energy demand. The

best offer will receive 20 points. The worst offer will receive 0 points. Other offers will receive a proportional number of points.

The last formulation allows a contracting authority to set an environmental award criterion even in cases where it has insufficient knowledge in order to define a precise level of environmental performance. Offers will be compared on the basis of their respective scoring as regards this criterion. Main environmental impacts are emissions to air (green house gas and other pollutant emissions) and water, waste to landfill (including packaging), hazardous substances, resource use, environmental quality (biodiversity, local environment, noise emissions), impact on health related to air quality. This method can only be used if the contracting authority indicates how it will assess the performance of the offers against the environmental impact specified.

In order to be effective and give a clear signal to the market, the environmental award criterion needs to be given a significant weighting within the award criteria. The exact weighting that will be given to the environmental award criterion will depend on the type of product, service or work being purchased and the number and relevance of other award criteria. With a weighting of for instance 15 %, the contracting authority will compare the environmental performance of offers against one or more environmental impacts specified as award criteria and reward the offers accordingly.

1.5. Contract performance clause requiring the contractor to set up an environmental management system during the performance of the contract

Contract clauses are linked to the execution phase of the contract but are announced at the beginning of the procedure, to allow purchasers to consider those conditions when establishing an offer. In the case of supply contracts, they may for instance relate to the mode of transport of the products (by train, by ship, by truck) or to the need to assure that the products delivered are compliant with certain legal requirements, such as respect of ILO (International Labour Organisation) conventions². In the case of services and works contracts, performance may involve appropriate environmental management measures.

In the case of environmental service or works contracts, the contracting authority may specify, by way of a contract clause, that the contractor should implement an environmental management system, in order to ensure correct implementation of required environmental management measures.

2. THE SPECIFIC CASE OF WOOD AND WOOD PRODUCTS

In the forest sector, the concept of "green" is rarely used as such, but implicit through reference to the internationally used concepts of "sustainable" and "legal" forest management. Both are broad concepts whose national implementation may vary, and cover environmental, social and economic aspects. To certify compliance, market-based private sector international certification schemes have been established. It may be difficult for public purchasers to identify which of those criteria and schemes are purely environmental, as wood products are never only complying with environmental or social or economic criteria. Therefore, a GPP approach for wood products should cover all three types of criteria as long as such criteria can be considered relevant for the subject matter of the contract. Further, there is a clear need for streamlining the use of both concepts and their respective verification, as the current non harmonised approach can lead to market distortions and additional administrative costs for bidders.

² More information at: <http://www.ilo.org/global/lang--en/index.htm>

In Europe, the "sustainability" concept is generally defined at the national level. European and EU processes generally refer to the criteria and indicators endorsed by the Lisbon Ministerial Conference on the Protection of Forests in Europe (2 to 4 June 1998). Outside Europe, reference is made to the criteria of the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

Those criteria relate to environmental aspects (appropriate enhancement of forest resources, maintenance of forest ecosystem health and vitality, biological diversity, production functions, protective functions) as well as to social and economic aspects (maintenance of other socio-economic functions and conditions). Although there is a clear internationally agreed basis, national implementation may vary.

As regards the notion of "legality", it refers to compliance with national forest law where the latter is consistent and enforceable and supportive of basic sustainable forest management principles. Illegal harvesting may include not only harvesting practices that contravene the regulations, but also using corrupt means to gain harvesting rights, extraction without permission, cutting protected species or extraction of timber in excess of agreed limits. Beyond harvesting, illegal practices may also extend to transport infringements, illegal processing and export, non-payment of taxes or charges, and misdeclaration to customs. The EU has adopted a Forest Law Enforcement Governance and Trade Action Plan³ which seeks to combat the imports of illegally produced wood from third party countries. The Action Plan encourages Member States to implement procurement practices that give preference to legally logged wood, to act as an incentive for developing countries to implement and enforce their legislation. The system provides for the issue of licences testifying the legality of the wood/wood products.

In the light hereof, it can be concluded that both concepts of sustainable and legal forestry management can be used for procurement of wood or wood products, if adapted accordingly to the legal requirements of the procurement procedures. Therefore, related criteria and requirements regarding verification of compliance with those criteria can be included as technical specifications or award criteria in GPP, as long as these are related to the subject matter of the contract.

In line with the above FLEGT Action Plan, and to prevent market distortions between Member states and stimulate competition, Member States and their contracting authorities are recommended to stipulate that all wood or wood products are sourced from legally harvested forests as minimum technical specifications for supply contracts and as contract performance clauses for works contracts. In order to gradually move towards both legal and sustainably harvested wood (which is considered to better assure observance of environmental and social aspects of forest management than the implementation of the legality principle), compliance with sustainability criteria, which are linked to the subject matter of the contract, is proposed as an award criterion. As such, market access is guaranteed for all legally harvested wood and wood products. Complying with sustainability criteria would not be a pre-condition for entering the market, but would give an advantage at the award stage.

³ Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community; more information at: <http://ec.europa.eu/environment/forests/flegt.htm>

As regards verification of compliance, contracting authorities can refer to existing certification schemes by way of example but should also accept other equivalent means of proof by bidders.

There have been frequent calls from stakeholders to identify common criteria for assessing the appropriate character of evidence of sustainability used in this sector. As provided in the EU Forest Action Plan⁴, June 2006 and in the Communication on “Innovative and Sustainable Forest-based Industries in the EU⁵, February 2008, the Commission will facilitate exchanges of experience between Member States on developing guidelines for application of GPP to forest products. This work will be fully coordinated with the work in progress on the development of sustainability criteria for biomass (which may include setting up of criteria for forest biomass), which stems from the EU Biomass Action Plan (COM(2005)-628 and the proposed directive on renewables (Com(2008)-19).

3. OPERATIONAL GUIDANCE: TOOLS FOR IMPROVING PROCUREMENT PRACTICES AND STIMULATING GPP

3.1. Life cycle costing and GPP

A recent study on the costs and benefits of GPP has highlighted that the environmental qualities of a product are only one aspect determining their purchase price⁶. Other, often more important aspects are the brand (or make), quality, technical merit, aesthetic or functional characteristics as well as the price deduction schemes related to different purchase volumes. Furthermore, eventually higher purchase prices are in many cases compensated for by lower operating costs.

To ensure efficient public spending, life cycle costing should be included in the award procedure. In the case of heating installations for instance, approximately 95 % of the total costs of heating pumps are determined by operating costs. Public procurement decisions solely based on the purchase price are likely to cause misinvestment. Purchasing decisions are only cost-effective if full account has been taken of all significant expenditure of resources which is likely to arise as a result of the purchase.

Life cycle costing implies that the contracting authority identifies the full cost of ownership related to the procurement of a product or service.

- Acquisition costs are those incurred between the decision to proceed with the procurement and the entry of the goods or services to operational use (including purchase price, registration fees, special taxes, transportation and installation costs)
- Operational costs are those incurred during the operational life of the asset or service
- End life costs are those associated with the disposal, termination or replacement of the asset or service. In the case of assets, disposal cost can be negative because the asset has a resale value.

In the field of construction, the Commission has recently published a Report on "Life cycle costing (LCC) as a contribution to sustainable construction: a common methodology", which has developed a common methodology for the estimation of LCC in construction, which can be used by contracting authorities as part of the Most Economically Advantageous offer

⁴ More information at: http://ec.europa.eu/agriculture/fore/action_plan/index_en.htm

⁵ More information at: http://ec.europa.eu/enterprise/forest_based/index_en.html

⁶ "Study on costs/benefits of Green public procurement in Europe" (by Öko-Institut and ICLEI for EC), July 2007, more information at: http://ec.europa.eu/environment/gpp/index_en.htm

(http://ec.europa.eu/enterprise/construction/compet/life_cycle_costing/index_life_cycle_en.htm).

The Commission will undertake to develop a tool for calculating the life cycle cost of products and services and make it available on its website.

3.2. Environmental management and GPP

The EC has developed a management model for implementing a GPP policy within an organisation. The model can be downloaded from the GPP website (http://ec.europa.eu/environment/gpp/toolkit_en.htm) and be made part of national and local GPP training programmes.

It recommends managing authorities to:

- identify the scope of the green procurement policy (departments and products covered);
- issue a formal statement demonstrating its engagement to the green public procurement policy, which will support the implementation of the policy throughout the organisation and the process;
- offer general guidance on legal aspects related to green public procurement;
- set up a task force involving all departments, including financial, environmental and legal units, to ensure possible changes needed in terms of budgetary practice and full compliance with public procurement legislation. The task force needs to analyse the current status of its purchasing and eventually identify priority areas for GPP, based on the basis of environmental impact and potential for environmental improvement, budgetary importance, market potential for green alternatives/innovative products (through market surveillance) and political sensibilities. Products with a potential for environmental and economic improvement are called "win-wins" and should be included in any green public procurement policy;
- identify responsible purchasers for each of the product groups selected;
- consider centralised procurement, as this allows for economies of scale;
- include life cycle costing as an award criterion for all product groups which call for the use of resources during their lifetime;
- provide training;
- set clear targets for gradual improvement;
- monitor the situation;
- include these activities into a formal action plan and make it public to citizens and potential suppliers.

The management model also explains how GPP can be linked to the wider environmental management system, such as the European Environment Management and Audit Scheme (EMAS⁷), of an organisation. GPP is an important issue to address under an environmental management system, as the procurement activities of an organisation can have a significant environmental impact. Also, other impacts such as use of water and energy and disposal of used products can and should be usefully addressed through focused green procurement practices for construction of buildings, maintenance and cleaning, purchase of energy efficient

⁷ More information at: http://ec.europa.eu/environment/emas/index_en.htm

and recyclable office equipment etc. The standardised structure of an environmental management scheme will allow an organisation to identify priority areas for green public procurement, establish targets, set action plans and responsibilities and control and communicate a green public procurement policy.

3.3. Joint procurement

Joint procurement means combining the procurement actions of two or more public authorities. The key characteristic is that there should be one tender published on behalf of all purchasing authorities. There are numerous advantages of joint procurement :

- reduced price through economies of scales
- reduced administrative costs for drafting tender documents and managing contracts
- pooling of skills and expertise
- can help to launch environmentally innovative solutions

Joint procurement can be done through central purchasing organisations, established for the purpose of conducting procurement procedures on behalf of other organisations, or through direct, case-by-case cooperation between purchasing departments of different public authorities, eventually based on collaboration agreements. The contract may take the form of a framework contract agreement, which is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. In principal, each participating authority will sign individual contracts with the winning supplier on the basis of the framework conditions set out in the tendering documents. It may also be that one contracting authority conducts a tendering procedure and states from the start of the procedure, that is in the contract notice, that other, named public authorities, may wish to set up a contract with the winning supplier, during the time frame of the winning contract, if the offer is considered attractive.

The EC has co-financed a project, called LEAP⁸, which was aimed at developing tools and guidance for public authorities to deal with green procurement as part of an environmental management system and at testing joint procurement approaches to overcome market barriers for GPP. It has resulted in the development of a toolkit including detailed advice and useful examples of joint procurement.

3.4. GPP and innovation

A [European Commission Guide on promotion of innovation through public procurement](#) was published on 23 February 2007. The guide outlines 10 practical approaches that will help promote (eco-) innovative solutions. It explains how to conduct procurement procedures to stimulate innovation and research. By cleverly specifying the problem to be solved, contracting authorities can leave companies the room to propose innovative solutions. The same is true if preference is given to performance or functional requirements and if variant bids are accepted. Early supplier involvement -through technical dialogue before starting the tendering procedure- can be beneficial to assess whether the requirements can be met by suppliers and whether there are enough suppliers in the market to ensure effective competition. This dialogue should be conducted in a way so as to avoid discrimination and the precluding of competition. Another interesting instrument for innovative purchases is the

⁸ More information at: <http://www.leap-gpp-toolkit.org/>

design contest. The advantage of this procedure is that it offers the widest range of freedom to enterprises to come up with solutions, making the most optimal use of the market's creativity. This procedure can be used for all different types of services, supply and works contracts, whether it is for a building, for developing a transport plan or even a communication plan. Contracting authorities furthermore have the possibility to allot the contract to the developer of the best idea directly (through a negotiated procedure), making it very attractive for companies to bring their best ideas forward.

3.5. Performance contracting

Energy Performance Contracting is an innovative financing technique that uses cost savings from reduced energy consumption to repay the cost of installing energy conservation measures. The contractor -usually Energy Service Companies (ESCOs)- bears the costs of the energy improvements and is paid back out of the energy savings (for a contractual period which should allow cost-effective investment). The public purchaser, owner of the building, will be able to capture the benefits from energy savings (after pay-back period) without up front capital expenses. The ESCO has the advantage of centralising the performance of various activities (energy audits, retrofitting, guaranteed energy savings from a selected series of conservation measures).

Additional information and interesting case studies can be found on the website of Eurocontract http://www.eurocontract.net/front_content.php?idcat=1, a EU funded project which seeks to contribute to the development of a market for energy services in Europe by further developing and promoting the model of Energy Performance Contracting (EPC), offering examples of best practices, model contracts and country specific information for many European countries.

3.6. Green public private partnerships

The UK government has recently published a useful Guide on "Green public private partnerships"⁹ which highlights why and how to consider environmental considerations in such partnerships, which are increasingly replacing traditional contracts, in particular in the construction sector. One single contract replaces separate contracts let for construction, maintenance and facilities. There is a wide range of different types of partnerships, including the Private Finance Initiative, the introduction of private sector ownership into state-owned businesses and selling Government services into wider markets and other partnerships arrangements where private sector expertise and finance are used to exploit the commercial potential of Government assets. The essence of public private partnerships is that the risks are managed by the private partner, who normally is better placed to manage them. This guarantees best value for money. Because of their long term and integrated nature, contractors should naturally be interested in considering the synergies between the design of a building and its ultimate operating costs. PPPs are therefore an excellent opportunity for implementing environmental considerations. Detailed information on practical considerations can be found at http://www.hm-treasury.gov.uk/documents/public_private_partnerships/key_documents/ppp_keydocs_index.cfm.

⁹ http://www.hm-treasury.gov.uk/documents/public_private_partnerships/key_documents/ppp_keydocs_index.cfm

4. EXAMPLES OF GREEN TENDER SPECIFICATIONS FOR CLEANING PRODUCTS AND SERVICES, PAPER, ELECTRICITY AND FOOD AND CATERING SERVICES

The product sheets with examples of green tender specifications form part of the recently developed GPP Training Toolkit. Similar product sheets have been established for all priority product and service groups referred to under Section 4 of the Communication. More information on the reasons for selecting those criteria can be found in detailed background reports on the GPP website http://ec.europa.eu/environment/gpp/index_en.htm. Various stakeholders have been consulted, including Member State experts in the field of GPP and members of the European Union Eco-labelling Board (EUEB) which also include stakeholders from industry and civil society. Following the adoption by the Commission of its Communication on "Public procurement for a better environment", the Member States will be invited to formally endorse the already developed GPP criteria, after their endorsement by the Commission services and following a final consultation round with the Member States and with stakeholders from industry and civil society, in accordance with the Minimum Standards for Consultation.

For each product/service group two sets of criteria are presented:

- "Core" GPP criteria address the most significant environmental impacts, and are designed to be used with minimum additional verification effort or cost increases
- "Comprehensive" GPP criteria are intended for use by authorities who seek to purchase the best environmental products available on the market, and may require some additional administrative effort or a certain cost increase as compared to other products fulfilling the same function

The identified criteria can be used either as technical specifications (these are the minimum requirements that all bids need to comply with) or as award criteria (on the basis of which the contracting authority will compare offers and choose the one offering best value for money). Where a points-based evaluation system is used, compliance with these criteria could for example be given a 15% weighting in the final evaluation.

4.1. Cleaning products and services

4.1.1. Scope

Four categories of products are covered, in line with those covered by the European Ecolabel (http://ec.europa.eu/environment/ecolabel/index_en.htm):

- All purpose cleaners and cleaners for sanitary facilities (covering three sub-groups: all purpose cleaners, sanitary cleaners and window cleaners)
- Detergents for domestic (or similar) dishwashers
- Hand dishwashing detergents
- Laundry detergents for domestic washing machines

4.1.2. Key environmental impacts

Impact	Approach
<ul style="list-style-type: none"> • Air pollution, ozone formation (smog), bioaccumulation or food chain exposure and hazardous effects on aquatic organisms or the increased growth of undesirable aquatic organisms which can degrade water quality due to the use of certain chemicals within cleaning agents • Negative impact on the occupational health of employees due to the use of certain cleaning agents that contain solvents classified as harmful to health • Generation of waste through packaging 	<ul style="list-style-type: none"> • Avoid unnecessary products • Decrease the use of products through reviewing cleaning plans and techniques • Avoid certain substances or ingredients in cleaning products • Improve the training of cleaning staff • Decrease the quantity of packaging used • Ensure the recyclability of the packaging used • Increase the use of recycled packaging

4.1.3. GPP criteria for cleaning products

4.1.3.1. Core criteria

		Applicable for:					
		All-purpose cleaners	Sanitary cleaners	Window cleaners	Hand dishwashing detergents	Laundry detergents	Dishwasher detergents
Specifications							
1. Chemical requirements							
No ingredient (substance or preparation) shall be included in the product in a quantity that exceeds 0.01% by weight of the final product that is classified with any of the risk phrases, or combinations thereof, as outlined in the following table in accordance with Directive 67/548/EEC and its amendments or Directive 1999/45/EC and its amendments ¹⁰ . These criteria do not apply to biocides, which are dealt with separately below:		X	X	X	X	X	X
	R31 (contact with acids liberates toxic gases).	X					
	R40, 45, 49 (carcinogenic).	X	X	X	X	X	X
	R42 (sensitising), exceeding 0.1% by weight of the final product.	X	X	X	X		
	R43 (sensitising), exceeding 0.1% by weight of the final product.	X	X	X	X		
	R46, 60, 61, 62, 63 (toxic for reproduction).	X	X	X	X	X	X

¹⁰ Directives 67/548/EEC and 1999/45/EC require producers of dangerous chemicals in EU member states to provide industrial and professional users with detailed health, safety and environmental information and advice about their products. Many chemicals have been analysed for their properties in this regard, and may be issued with a hazard warning (e.g. T: Toxic, N: dangerous for the environment), together with a risk phrase indicating the precise nature of the risk (e.g. – R26: very toxic by inhalation, R51: toxic to aquatic organisms). Directive 67/548/EEC has recently been amended by the new European Chemicals regulation (REACH = Registration, Evaluation, Authorisation and Restriction of Chemicals) [Regulation \(EC\) No 1907/2006](#) and [Directive 2006/121/EC](#), OJ of 30 December 2006. Enterprises which manufacture or import more than one ton of a chemical substance per year will be required to register it in a central database administered by the new EU Chemicals Agency

R50/53, 51/53 (toxic to aquatic organisms)	X	X	X	X	X	X
R59 (dangerous to the ozone layer).	X	X	X	X	X	
R68 (possible risk of irreversible effects).	X	X	X	X	X	X
The following ingredients must not be included in the product:						
Phosphorus	X (limit: 0.02g per functional unit)	X (1g per 100g of product)	X			
Phosphates*.					X (limit: 25g per wash)	X (limit: 10g per wash)
Biocides, unless used as preservatives.	X	X	X	X		
Biocides which are classified as R50/53 or R51/53 in accordance with Directive 67/548/EEC and its amendments or Directive 1999/45/EC and its amendments, unless they are not potentially bioaccumulative, i.e. if the $\log P_{ow}^{11} \geq 3.0$ (unless the experimentally determined BCF ¹² ≤ 100).	X	X	X	X		
Preservatives which are or may be classified as R50/53 in accordance with Directive 67/548/EEC and its amendments or Directive 1999/45/EC and its amendments.					X	X
<i>Verification</i>						
All products carrying the European Eco-label will be deemed to comply.	X	X	X	X	X	X

¹¹ Log Pow = log octanol/water partition coefficient

¹² BCF = Bio-concentration factor

<p>If the product does not carry the Eco-label the following information must be clearly provided:</p> <p>For each product offered, all substances contained above 0.01% by weight of the final product must be listed, together with their CAS-Number¹³ (where available) and any risk-phrases with which they are classified. Information taken from the "Material Safety Data Sheet" (MSDS or SDS) which have to accompany these products, may be useful but not sufficient¹⁴.</p>	X	X	X	X	X	X
The name and function of all biocides must be listed. For all biocides classified as R50/53 or R51/53 the log P _{ow} or BCF must be given.	X	X	X	X		
The total quantity of elementary phosphorus must be given.	X (per functional unit)	X (per 100g of product)				
The total quantity of phosphates per wash must be given*.					X	X
2. Packaging requirements						
All products must be delivered with clear dosing instructions	X	X	X	X	X	X
Sprays containing propellants must not be used	X	X	X			
The primary packaging parts shall be easily separable into mono-material parts.	X	X	X	X		
The cardboard packaging shall consist of ≥ 80% recycled material.					X	X

¹³ The CAS-Number is an internationally recognised identity number assigned by the Chemical Abstracts Service (a division of the American Chemical Society) to identify a specific chemical.

¹⁴ Directives 67/548/EEC and 99/45/EC require producers of dangerous chemicals in EU member states to provide industrial and professional users with detailed health, safety and environmental information and advice about their products in the form of material safety data sheets (MSDS). Directive 91/155/EEC, as amended by Directives 93/112/EEC and 2001/58/EC, sets out the requirements for the information which should be included in a MSDS

Contract clauses						
The contractor is committed to prove, during the whole period of the contract, when requested by the contracting authority, that the ingredients of all products supplied meet the biodegradability conditions outlined in the Detergents Regulation 648/2004** ¹⁵	X	X	X	X	X	X

* In countries (for example Sweden) where there is highly effective wastewater treatment, it is unnecessary to restrict the quantity of phosphorus and phosphates in the cleaning products

** Although all products must legally meet these biodegradability requirements, this clause provides a further enforcement mechanism

¹⁵ Regulation (EC) No 648/2004¹⁵ updates and expands restrictions on the testing and sale of detergents. In particular it aims to increase the protection of the aquatic environment against the harmful effects of surfactants, through stricter testing of biodegradability. Now, only surfactants meeting strict biodegradability standards can be used in cleaning products. In certain situations producers can apply for derogation (exemption) from this in certain circumstances, but in practice, such products would never be legally available to public consumers

4.1.3.2. Comprehensive criteria

	Applicable for:					
	All-purpose	Sanitary cleaners	Window cleaners	Hand dishwash	Laundry detergent	Dishwasher
Specifications						
<p>The Environmental and packaging requirements for the European Eco-label for the relevant product must be met:</p> <ul style="list-style-type: none"> All purpose cleaners and cleaners for sanitary facilities (Commission Decision 2005/344/EC¹⁶) Laundry detergents (Commission Decision 2003/200/EC¹⁷) Hand dishwashing detergents (Commission Decision 2005/342/EC¹⁸) Detergents for dishwashers (Commission decision 2003/31/EC¹⁹) 	X	X	X	X	X	X
<i>Verification</i>						
The European Eco-label will be accepted as proof of compliance, as will any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body.	X	X	X	X	X	X

Implementation notes

- To make the policy fully transparent, contracting authorities should, already when describing the subject matter of the contract, refer to "the purchase of environmentally friendly cleaning products".
- The detailed criteria are included in the Background Product Report which is available at the GPP website http://ec.europa.eu/environment/gpp/index_en.htm.
- Nordic Swan eco-label: The Nordic Swan eco-label also covers cleaning products, with a large number of products labelled in particular in the Nordic countries. The underlying

¹⁶ [Commission Decision of 23 March 2005 establishing ecological criteria for the award of the Community eco-label to all-purpose cleaners and cleaners for sanitary facilities \(2005/344/EC\)](#)

¹⁷ [Commission Decision of 14 February 2003 establishing revised ecological criteria for the award of the Community eco-label to laundry detergents and amending Decision 1999/476/EC \(2003/200/EC\)](#)

¹⁸ [Commission Decision of 23 March 2005 establishing revised ecological criteria for the award of the Community eco-label to hand dishwashing detergents \(2005/342/EC\)](#)

¹⁹ [Commission Decision of 29 November 2002 establishing revised ecological criteria for the award of the Community eco-label to detergents for dishwashers and amending Decision 1999/427/EC \(2003/31/EC\)](#)

criteria are slightly different, therefore having the Nordic Swan label does not automatically mean the product meets the European Eco-label criteria and vice versa. It can therefore be useful to change the specification into “The ecological criteria for either the European Eco-label or the Nordic Swan for the relevant product must be met. Nordic Swan criteria available at: <http://www.svanen.nu/Eng>

4.1.4. GPP criteria for cleaning services

Many authorities have their cleaning services carried out by private contractors. The tendering procedure for selecting the contractor offers opportunities for improving the environmental and health performance of these services.

4.1.4.1. Core GPP criteria

Subject matter
Environmentally friendly cleaning services
Specifications
Products employed by the cleaning company must meet the criteria as specified under 1.3.1.
<i>Verification</i>
The bidder must supply a list of the products intended to be used, including evidence of compliance with the environmental specifications, as specified under 1.3.1.
Contract clause
After the first six months of the contract, and thereafter at the end of every year of the contract, a balance must be submitted by the contractor indicating the name and quantity of the cleaning products used. For any products not mentioned in the initial bid the contractor shall provide the required information as referred to in the Verification section to prove compliance with the technical specifications.

4.1.4.2. Comprehensive GPP criteria

Subject matter
Environmentally friendly cleaning services
Specifications
1. Products used
Products employed by the cleaning company must meet the criteria referred to under 1.3.2.
<i>Verification</i>
The bidder must supply a list of the products intended to be used, including evidence of compliance with the environmental specifications, as specified under 1.3.2.
2. Staff and organisation

	<ul style="list-style-type: none"> • All cleaning staff must be regularly trained. Training should cover cleaning agents, methods, equipment and machines used, waste management, aspects of health, safety and the environment. A record of these training measures (introductory/vocational training) should be available for the contracting authority.
	<ul style="list-style-type: none"> • In agreement with the contracting authority, precise work instructions on environmental protection and on health and safety standards in carrying out the service shall be produced and displayed in the buildings in a way that they can be consulted by cleaning staff at any time.
	<ul style="list-style-type: none"> • A facility manager or co-ordinator should be nominated to organise and supervise the cleaning services and report to the contracting authority. He has to have undergone appropriate training in the fields of occupational health and safety standards, application techniques and environmental issues.
3. Environmentally friendly cleaning techniques	
	<ul style="list-style-type: none"> • The contractor should use reusable microfibre cloths and apply dry-cleaning techniques for linoleum flooring where appropriate. • The contractor should, when drawing up the work instructions, consider the appropriate cleaning frequency for different areas of the building. • The contractor should optimise the range of cleaning products used and seek to avoid the use of products which are unnecessary from a hygienic perspective.
Selection criteria	
The bidder must demonstrate its capacity to carry out the service in an environmentally sound manner. This must include evidence of the regular training of staff on health, safety and environmental aspects of cleaning work, together with specific environmental management measures which the bidder routinely applies in cleaning contracts.	
<i>Verification</i>	
An environmental management system (such as the European Environmental Management and Audit scheme EMAS ²⁰ , or ISO 14001 ²¹), if covering and attesting environmental management capacities as laid down in the selection criteria, shall be recognized as evidence of compliance, as will other evidence of equivalent environmental management measures.	
Contract clause	

²⁰

More information at: http://ec.europa.eu/environment/emas/index_en.htm

²¹

<http://www.iso.org/iso/home.htm>

After the first six months of the contract, and thereafter at the end of every year of the contract, a balance must be submitted by the contractor indicating the name and quantity of the cleaning products used. For any products not mentioned in the initial bid, the contractor will submit proof of compliance with the specifications.

Within 6 months of the beginning of the contract, the contracted company will provide a report to the contracting authority on the practicality of using microfibre cloths, and dry-cleaning techniques for linoleum flooring. The contractor should also be able to justify the cleaning frequency and range of products used.

4.2. Copying and graphic paper

4.2.1. Scope

Copying and graphic paper cover unprinted paper for writing, printing and copying purposes (up to 170g/m²) sold in sheets or reels.

Finished paper products such as writing pads, drawing books, calendars, manuals, etc. have not been included.

The criteria are taken from the European Ecolabel²², the Nordic Swan label²³ and the Blue Angel label²⁴.

Different sets of criteria are proposed for:

- (a) Paper based on recovered paper fibres: recovered paper fibres include both post-consumer recycled fibres and pre-consumer recycled fibres from paper mills, also known as broke. Post-consumer recycled fibres may come from consumers, offices, printing houses, bookbinders, or similar.(focus of the Blue Angel eco-label²⁵)
- (b) Paper based on virgin timber fibres (focus of the European Ecolabel and the Nordic Swan)

Contracting authorities are recommended to make reference to both sets of criteria, as alternative ways of achieving the objective of purchasing environmental friendly paper, to maximize competition and avoid discrimination.

²² http://ec.europa.eu/environment/ecolabel/index_en.htm

²³ <http://www.svanen.nu/>; criteria at: <http://www.svanen.nu/Eng/criteria/kriterie.asp?pgn=44>

²⁴ <http://www.blauer-engel.de/index.htm>

²⁵ Blue Angel Criteria. Basic criteria for Award of the Environmental Label for Recycled paper RAL-UZ 14 http://www.blauer-engel.de/englisch/vergabe/download_uz_e/e-UZ-014.pdf

4.2.2. Key environmental impacts

Impact	Approach
Forest destruction and loss of biodiversity	Procurement of paper based on recovered paper fibres (recycled paper) or paper based on legally and/or sustainably harvested wood fibres
Emissions to air and water during pulp and paper production	
Energy and water consumption during production	
Chemical consumption during production	
Waste generation during production such as rejects and sludge	
	Procurement of paper produced through processes characterised by low energy consumption and emissions
	Avoidance of certain substances in paper production and bleaching

4.2.3. GPP criteria for recycled paper

4.2.3.1. Core criteria – recycled option

Copying and graphic paper for normal office use	Paper for professional purposes
Specifications	
<p>1. Paper must be made from 100% recovered paper fibres.</p> <p><i>Verification</i></p> <p>All products carrying the Blue Angel eco-label will be deemed to comply. The European Ecolabel and Nordic Swan can also serve as means of proof if it is specified that the paper is made from 100% recovered paper fibres. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.</p>	Paper must be made from at least 75% recovered paper fibres
<p>2. The paper must be at least Elementary Chlorine Free (ECF)</p> <p><i>Verification</i></p> <p>All products carrying the European Ecolabel, Nordic Swan or Blue Angel ecolabel will be deemed to comply. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.</p>	<i>Same</i>

4.2.3.2. Comprehensive criteria – recycled option

Copying and graphic paper for normal office use	Paper for professional purposes
Specifications	
<p>1. Paper must be made from 100% recovered paper fibres, with a minimum of 65 % post consume recycled fibres.</p> <p><i>Verification</i></p> <p>All products carrying the Blue Angel eco-label will be deemed to comply. The European Ecolabel and Nordic Swan can also serve as means of proof if it is specified that the paper is made from 100% recovered paper fibres. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.</p>	<p>1. Paper must be made from at least 75% recovered paper fibres with a minimum of 80 % post consume recycled fibres.</p>
<p>2. The environmental criteria of the European Eco-label, the Nordic Swan or the Blue Angel directly related to the paper production (and not the management practices of the factory) must be met. Full criteria documents are available at:</p> <ul style="list-style-type: none"> • European Eco-label: ec.europa.eu/environment/ecolabel/product/pg_copyingpaper_en.htm • Nordic Swan: www.svanen.nu/Eng/criteria/kriterie.asp?pgn=44 • Blue Angel: www.blauer-engel.de/englisch/vergabe/download_uz_e/e-UZ-014.pdf <p><i>Verification</i></p> <p>All products carrying the European Ecolabel, Nordic Swan or Blue Angel ecolabel will be deemed to comply. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.</p>	<p>Same, except the relevant Blue Angel criteria document is available at: http://www.blauer-engel.de/englisch/vergabe/download_uz_e/e-UZ-072.pdf</p>

Implementation notes

The detailed comprehensive criteria sets are included in the Background Product Report which is available on the GPP website (http://ec.europa.eu/environment/gpp/toolkit_en.htm).

The distinction between paper for normal use and paper for professional printing purposes stems from the distinction made under the "Blue Angel" criteria for those different types of paper for reasons of compatibility with printing functions.

The authority may choose to use a whiteness level of less than 90 %. Above 90 % the paper would need to be treated with optical brightening agents.

4.2.4. GPP criteria for paper made from legal and/or sustainable virgin fibres

4.2.4.1. Core criteria – legal and/or sustainable virgin fibres

Specifications
1. Virgin wood fibres for pulp production shall come from legal sources.
<i>Verification</i>
<p>Certificates of chain of custody for the wood fibres certified as FSC²⁶, PEFC²⁷ or any other equivalent means of proof, will be accepted as proof of compliance.</p> <p>The legal origin of wood can also be demonstrated with a tracing system being in place. These voluntary systems may be 3rd party certified, often as part of ISO 9000 and/or ISO 14000 or EMAS management system.</p> <p>If wood stems from a country that has signed a Voluntary Partnership Agreement (VPA) with the EU, the FLEGT licence may serve as proof of legality²⁸.</p> <p>For the non-certified wood fibres bidders shall indicate the types (species), quantities and origins of fibres used in the pulp and paper production, together with a declaration of their legality. As such the fibres shall be able to be traced throughout the whole production chain from the forest to the product.</p> <p>In specific cases, where the evidence provided is not considered sufficient to prove compliance with the requested technical specifications, contracting authorities may ask suppliers for further clarifications or proof.</p>
2. The paper must be at least Elementary Chlorine Free (ECF).
<i>Verification</i>
A technical dossier of the manufacturer will serve as means of proof.
Award criteria
(X) additional points will be awarded to products complying with:

²⁶ FSC (Forest Stewardship Council): <http://www.fsc.org/en/>

²⁷ PEFC (Programme for the Endorsement of Forest Certification): <http://www.pefc.org/internet/html>

²⁸ <http://ec.europa.eu/environment/forests/flegt.htm>

All virgin wood fibres for pulp production shall come from forests that are managed so as to implement the principles and measures aimed at ensuring sustainable forest management, on condition that these criteria characterize and are relevant for the product.

In Europe, these principles and measures are based on the set of criteria and indicators endorsed by the Lisbon Ministerial Conference on the Protection of Forests in Europe (2 to 4 June 1998). Outside Europe they shall at least correspond to the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

Verification

All products carrying the European Ecolabel or the Nordic Swan will be deemed to comply. Certificates of chain of custody for the wood fibres certified as FSC²⁹, PEFC³⁰ or any other equivalent means of proof, will also be accepted as proof of compliance. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.

Implementation notes

Paper based on virgin timber fibres: in the market, paper is not either 100% recycled or 100% from virgin timber fibres but there might be mixtures of them, therefore the paper has not been defined as paper from virgin timber fibres but paper **based on** virgin timber fibres, which implies the potential use of recycled fibres for the paper production, as long as the specifications defined above are met.

4.2.4.2. Comprehensive criteria – sustainable and/or legal virgin fibres option

Specifications

1. The virgin wood fibres for pulp production shall come from legal sources.

Verification

²⁹ FSC (Forest Stewardship Council): <http://www.fsc.org/en/>

³⁰ PEFC (Programme for the Endorsement of Forest Certification): <http://www.pefc.org/internet/html>

Certificates of chain of custody for the wood fibres certified as FSC³¹, PEFC³² or any other equivalent means of proof, will be accepted as proof of compliance.

The legal origin of wood can also be demonstrated with a tracing system being in place. These voluntary systems may be 3rd party certified, often as part of ISO 9000 and/or ISO 14000 or EMAS management system.

If wood stems from a country that has signed a Voluntary Partnership Agreement (VPA) with the EU, the FLEGT licence may serve as proof of legality³³.

For the non-certified wood fibres bidders shall indicate the types (species), quantities and origins of fibres used in the pulp and paper production, together with a declaration of their legality. As such the fibres shall be able to be traced throughout the whole production chain from the forest to the product.

In specific cases, where the evidence provided is not considered sufficient to prove compliance with the requested technical specifications, contracting authorities may ask suppliers for further clarifications or proof.

2. The paper must be at least Elementary Chlorine Free (ECF).

Verification

A technical dossier of the manufacturer will serve as means of proof.

Award criteria

(X) additional points will be awarded for paper complying with:

1. All virgin wood fibres for pulp production shall come from forests that are managed so as to implement the principles and measures aimed at ensuring sustainable forest management, on condition that these criteria characterize and are relevant for the product.

In Europe, these principles are based on the set of criteria and indicators endorsed by the Lisbon Ministerial Conference on the Protection of Forests in Europe (2 to 4 June 1998). Outside Europe they shall at least correspond to the UNCED Forest Principles (Rio de Janeiro, June 1992) and, where applicable, to the criteria or guidelines for sustainable forest management as adopted under the respective international and regional initiatives (ITTO, Montreal Process, Tarapoto Process, UNEP/FAO Dry-Zone Africa Initiative).

2. The ecological criteria of the European Eco-label, the Nordic Swan or the Blue Angel directly related to paper production (and not the management practices of the factory) must be met.

Full criteria documents available at:

- European Eco-label: ec.europa.eu/environment/ecolabel/product/pg_copyingpaper_en.htm
- Nordic Swan: www.svanen.nu/Eng/criteria/kriterie.asp?pgn=44

³¹ FSC (Forest Stewardship Council): <http://www.fsc.org/en/>

³² PEFC (Programme for the Endorsement of Forest Certification): <http://www.pefc.org/internet/html>

³³ <http://ec.europa.eu/environment/forests/flegt.htm>

Verification

1: Certificates of chain of custody for the wood fibres certified as FSC³⁴, PEFC³⁵ or any other equivalent means of proof, will be accepted as proof of compliance.

1 & 2: Products carrying the European Eco-label or the Nordic Swan will be deemed to comply. Any other appropriate means of proof, such as a technical dossier of the manufacturer or a test report from a recognised body will also be accepted.

Implementation notes

The detailed criteria sets are included in the Background Product Report on the GPP website.

Paper based on virgin timber fibres: in the market, paper is not either 100% recycled or 100% from virgin timber fibres but there might be mixtures of them, therefore the paper has not been defined as paper from virgin timber fibres but paper **based on** virgin timber fibres, which implies the potential use of recycled fibres for the paper production, as long as the specifications defined above are met.

4.3. Electricity

4.3.1. Scope

The criteria cover the purchase of "green" electricity, that is electricity stemming from renewable energy sources (RES-E) as defined by Directive 2001/77/EC³⁶: wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases.

They refer, in addition, to the use of energy services to improve the energy efficiency of a building, which are often tendered in parallel or in combination with a public tender for the purchase of electricity.

The core criteria focus on the proportion of electricity supplied from RES sources (50% recommended).

The comprehensive criteria recommend 100% electricity from RES.

The most direct way to reduce the environmental impact of electricity consumption is to reduce demand – through energy efficiency improvements in public buildings and the purchase of more efficient energy using products. Both issues are covered by separate product sheets (construction, office equipment) developed in the framework of the Green public procurement Training Toolkit available on the European GPP website.

4.3.2. Key environmental impacts

Impact	Approach
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³⁴ FSC (Forest Stewardship Council): <http://www.fsc.org/en/>

³⁵ PEFC (Programme for the Endorsement of Forest Certification): <http://www.pefc.org/internet/html>

³⁶ Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market. http://eur-lex.europa.eu/LexUriServ/site/en/oj/2001/l_283/l_28320011027en00330040.pdf

<ul style="list-style-type: none"> • CO2 emissions caused by the generation of electricity from fossil fuels • Impact on human health, biodiversity and water resources due to the extraction of materials, i.e. mining (coal) and drilling (oil), and waste treatment • Exploitation of finite fossil fuel resources • Impact on river eco-systems and local populations due to hydropower schemes 	<ul style="list-style-type: none"> • Increase the share of electricity from renewable sources
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4.3.3. GPP criteria for "green" electricity

4.3.3.1. Core criteria – Electricity

<p>Specifications</p> <p>1. 50% of supplied electricity must come from renewable energy sources (RES-E) as defined by Directive 2001/77/EC.</p> <p><i>Verification</i></p> <p>Guarantee of Origin schemes or equivalent proof - All EU countries are legally obliged, under Directive 2001/77/EC to set up Guarantee of Origin schemes.</p> <p>Guarantees of Origin are however no exclusive proof. An alternative would be for the supplier to provide independent proof of the fact that a corresponding quantity of electricity has been generated from so-defined renewable sources, e.g. a tradable certificate from an independent issuing body such as RECS³⁷, which guarantee the compliance with the RES-E Directive 2001/77/EC if not nationally implemented. Alternatively, certification by a labelling scheme for green electricity which fulfils at least the criteria of the RES-E Directive 2001/77/EC will be accepted as proof, such as a Type-1 ecolabel.</p>
<p>Award criteria</p> <p>(X) additional points will be awarded for:</p> <p>1. <u>Additional RES-E</u>: The tenderer should indicate the proportion of electricity to be supplied from RES sources. (X.1) additional points will be awarded in proportion to the electricity generated by RES-E above the minimum requirement in the specification</p>
<p>Contract clauses</p>

³⁷ RECS = Renewable Energy Certificates System: www.recs.org

At the end of each year of the contract the contractor must disclose the origin of the electricity supplied to the contracting authority to demonstrate that at least 50% came from renewable energy sources. Guarantees of Origin (GoO) or equivalent proof must be provided. This is not required from certified suppliers of 100% green electricity (i.e. carrying a Type-1 ecolabel which uses a definition of RES which is at least as strict as that of Directive 2001/77/EC).

4.3.3.2. Comprehensive criteria – Electricity

Specifications

1. 100% of supplied electricity must come from renewable energy sources (RES-E) as defined by Directive 2001/77/EC.

Verification

Guarantee of Origin schemes or equivalent proof - All EU countries are legally obliged, under Directive 2001/77/EC to set up Guarantee of Origin schemes.

Guarantees of Origin are however no exclusive proof. An alternative would be for the supplier to provide independent proof of the fact that a corresponding quantity of electricity has been generated from so-defined renewable sources, e.g. a tradable certificate from an independent issuing body such as RECS³⁸, which guarantee the compliance with the RES-E Directive 2001/77/EC if not nationally implemented. Alternatively, certification by a labelling scheme for green electricity which fulfils at least the criteria of the RES-E Directive 2001/77/EC will be accepted as proof, such as a Type-1 ecolabel.

³⁸ RECS = Renewable Energy Certificates System: www.recs.org

Contract performance clauses

At the end of each year of the contract, the contractor must disclose the origin of the electricity supplied to the contracting authority to demonstrate that at least 100% came from renewable energy sources. Guarantees of Origin (GoO) or equivalent proof must be provided³⁹.

Implementation notes

Considering energy efficiency measures: When purchasing electricity, contracting authorities may also consider awarding a contract for energy efficiency services, and seek specialist advice on energy efficiency improvements. A number of energy efficiency measures can easily be made with short payback periods. A tender for energy efficiency services could be published together with or in parallel to that for electricity⁴⁰.

4.4. Food and catering services

4.4.1. Scope

Environmental criteria are formulated for the following range of products: fruits and vegetables; fish, meat and dairy products; processed food⁴¹ and drinks and beverages; as well as for the provision of catering services.

For food, core criteria address organic production methods and packaging waste. Comprehensive criteria address also other aspects, such as the Integrated Production processes⁴², animal welfare and the absence of GMOs⁴³.

³⁹ For examples of labelling schemes covering certification of "green" electricity:

The Eugene Standard. www.eugenestandard.org

ok-Power (Germany): www.ok-power.de

Gruener Strom (Germany): www.gruenerstromlabel.de

Umweltzeichen (Austria): www.oekostrom.at

the Technical Inspection Association (TÜV, Germany): www.de.tuv.com

Landesgewerbeanstalt Bayern (LGA, Germany): www.lga.de/

100% green energy (Italy): www.centpercentoverde.org

The Ekoenergia label, also called "Norppa suosittelee ekoenergia" (Norppa recommends eco-energy, Finland): www.ekoenergia.info

The Milieukeur label (Netherlands) – www.milieukeur.nl

Bra Miljöval ("Good Green Buy" or "Good Environmental Choice", Sweden) www.snf.se/bmv/index.cfm

⁴⁰ More information on energy performance contracting can be found at: http://www.eurocontract.net/front_content.php?idcat=1

⁴¹ Processed food as understood here is food that has been processed to produce other products and/or to allow preservation over long periods of time, in both cases with the addition of colorants, flavouring substances and other additives.

⁴² Integrated crop management systems in the EU. Amended Final Report for European Commission DG Environment Submitted. Agra CEAS Consulting. May 2002. http://ec.europa.eu/environment/agriculture/pdf/icm_finalreport.pdf

⁴³ There are a number of specific pieces of legislation concerning **genetically modified organisms (GMOs)** and also several **regarding animal welfare**.

A broader presentation on those can be found at:

http://ec.europa.eu/food/index_en.htm

For catering services, core criteria focus on organic food, reduction of packaging and selection of waste; comprehensive criteria focus in addition on environmental selection criteria, the use of paper and cleaning products, kitchen equipment, nutrition etc.

4.4.2. Key environmental impacts

Impact	Approach
<ul style="list-style-type: none"> • Eutrophication⁴⁴, acidification⁴⁵ and toxic effects in the environment (plants and animals) and consumers due to the bioaccumulation and biomagnification⁴⁶ of pesticides and fertilisers present in water, air, soil and food • Negative impact on the occupational health of farmers due to the handling and use of certain pesticides and fertilisers • Soil erosion, forest destruction and loss of biodiversity by agriculture, intense animal production and intense fishing and aquaculture practices 	<ul style="list-style-type: none"> • Procurement of organic food and livestock products • Procurement of food produced under “integrated production systems” • Procurement of sustainably-produced or caught fish • Procurement of livestock products with high welfare standards

http://ec.europa.eu/agriculture/index_en.htm

http://ec.europa.eu/fisheries/index_en.htm

⁴⁴ Eutrophication is the process whereby a body of water (such as lakes, estuaries, or slow-moving streams) becomes over-enriched with nutrients which results in overgrowth of plants (algae, nuisance plants weeds...). This enhanced plant growth when they die and decompose, reduces dissolved oxygen in water which can lead to the death of aquatic organisms (such as fishes). Nutrients can come from many antropogenic (human) sources, such as fertilizers applied to fields; erosion of soil; deposition of nitrogen from the atmosphere; and sewage treatment plant discharges.

⁴⁵ Acidification is the build-up of excess sulphuric and nitric acids into soils, waters, and air caused by acid depositions. Their origin are anthropogenic (human) emissions of mainly sulphur dioxide, nitrogen oxides, and ammonia from, for example, the use of animal manure and other soil improvers in agriculture. Acid depositions have negative impacts on water, forests, and soil. They cause defoliation and weakening of trees; they can also change soil and water pH mobilising heavy metals and other harmful substances with toxic effects on soil and aquatic organisms; and also damage buildings and monuments.

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⁴⁶ Bioaccumulation occurs when an organism absorbs a toxic substance at a rate greater than that at which the substance is excreted or degraded biologically. Biomagnification is the increase in concentration of a substance that occurs in a food chain as a consequence of: food chain energetics and low (or non-existent) rate of excretion/degradation of the substance. Although sometimes used interchangeably with 'bioaccumulation,' an important distinction is drawn between the two. Bioaccumulation occurs within an organism, and biomagnification occurs across trophic (food chain) levels.

- Animal cruelty due to lack of respect for animal welfare
- Energy and water consumption in food production and processing
- Packaging waste
- High consumption of cleaning agents and other chemicals in food processing and kitchens might have a negative impact on the occupational health of kitchen personnel and on the environment through waste water
- High water and energy consumption of kitchen appliances
- CO2 and other pollutant emissions as a result of modes of transport used to carry out the catering services
- Procurement in bulk, use of reusable, recyclable and recycled containers and packaging, use of reusable cutlery, crockery, glassware and tablecloths
- Use of environmentally friendly paper products
- Selective waste collection and staff training
- Minimisation of the use of hazardous chemicals in food processing and the use of environmentally friendly cleaning and dishwashing products
- Procurement of water and energy efficient kitchen appliances
- Improvement of transport routes and energy efficiency and reduction of emissions by vehicles used in the catering services

4.4.3. Food – GPP criteria

4.4.3.1. Core criteria – Food

Specifications
[X] % of [either a defined product group such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] must be organically produced according to Regulation (EC) 2092/91 of 24 June 1991 on organic production of agricultural products until 31 December 2008, and Regulation (EC) 834/2007 as of 1 January 2009.
<i>Verification</i>
Proof must be supplied that the food has been certified as organically produced by the competent body.
Award criteria

Additional points will be awarded for:

1. Organic food: additional share of products coming from organic sources above the minimum requirement in the specification.

Verification: as above

2. Packaging: Percentage of products that:

- are supplied in secondary and/or transport packaging with more than 45% recycled content
- are not supplied in individual portions (single-unit packages).

Verification: bidders will have to provide a signed declaration indicating which of these criteria it is able to meet. The contracting authority will verify compliance during the contract period, and appropriate penalties will be applied for non-compliance.

Implementation notes

The contracting authority will have to specify how the percentage will be judged, either in volume, weight, or € spent.

4.4.3.2. Comprehensive criteria – food

Specifications (Food products)

1. [X] % of [either a defined product groups such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] must be organically produced according to Regulation (EC) 2092/91 of 24 June 1991 on organic production of agricultural products until 31 December 2008, and Regulation (EC) 834/2007 as of 1 January 2009.

Verification:

Proof must be supplied that the food has been certified as organically produced by the competent body.

2. Of the remaining non-organic produce, [X] % [either a defined product group such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] must be produced in accordance with the criteria of Integrated Production or equivalent systems.

Verification:

Products carrying the regional/national Integrated Production label will be deemed to comply. Alternatively, the bidder will have to provide appropriate evidence of compliance with each of the requirements laid down in regional/national Integrated Production standards.

Award criteria

Additional points will be awarded for:

1. Organic food: additional share of products coming from organic sources above the minimum requirement in the specification.

Verification: as above

2. Integrated production: additional share of products stemming from Integrated Production products above the minimum level demanded in the specifications.

Verification: as above

3. Aquaculture products: Proportion of fish which are caught or produced through sustainable practices and methods as defined in a relevant label for sustainable fishing and aquaculture.

Verification: fish products carrying a label for sustainable fishing or aquaculture practices will be deemed to comply with the criteria as will other appropriate means which clearly indicate compliance with the sustainable fishery or aquaculture criteria of a relevant label for sustainable fishing and aquaculture.

4. Animal welfare standards: Proportion of animal products which are produced with higher welfare standards according to national guidelines.

Verification: Products presenting appropriate evidence of meeting relevant national voluntary standards, such as certification from a recognised body, will be presumed to comply. Alternatively, the bidder will have to provide appropriate evidence of compliance with welfare standards.

5. Packaging: Percentage of products that:

- are supplied in secondary and/or transport packaging with more than 45% recycled content
- are not supplied in individual portions (single-unit packages)

Verification: bidders will have to provide a signed declaration indicating which of these criteria it is able to meet. The contracting authority will verify compliance during the contract period, and appropriate penalties will be applied for non-compliance.

4.4.4. Catering services – GPP criteria

4.4.4.1. Core criteria – Catering services

Specifications

Food criteria

1. [X] % of [either a defined product groups such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] supplied by the catering company must be organically produced according to (EC) 2092/91 of 24 June 1991 on organic production of agricultural products until 31 December 2008, and Regulation (EC) 834/2007 as of 1 January 2009.

Verification: Suppliers presenting the Nordic Swan ecolabel certificate for restaurants will be presumed to comply with the criteria if they specify the percentage of organic food that will be used in the relevant contract. Alternatively suppliers must indicate how they intend

to meet the obligation within the proposed offer. Proof must be supplied that the food is certified as organically produced by the competent body.

2. [in case the contracted company defines the menus] The main fruit, vegetables and fish that are used shall, whenever possible, be selected according to the season based on the geographical location in which the assignment is performed. The recommended guidelines are found in the seasonal calendar in Annex X [to be developed by the contracting authority].

Award criteria

Additional points will be awarded

1. Organic food: additional share of products coming from organic sources above the minimum requirement in the specification

Verification: as above

2. Packaging: Percentage of products that:

- are supplied in secondary and/or transport packaging with more than 45% recycled content
- are not supplied in individual portions (single-unit packages).

Verification: Suppliers presenting the Nordic Swan ecolabel certificate for restaurants will be presumed to comply with the criteria if the certificate covers the above requirements. Alternatively bidders will have to provide a signed declaration indicating which of these criteria it is able to meet. The contracting authority will verify compliance during the contract period, and appropriate penalties will be applied for non-compliance.

Contract performance clauses

1. Waste generation

- In order to reduce waste generation, food and beverages must be served using reusable cutlery, glassware, crockery and tablecloths.
- Waste produced during the catering services will be collected separately according to the collecting system of the public administration, which includes the fractions of [define here the specific waste fractions to be separately collected, depending on local administrative rules].

2. Transport

- Vehicles used for carrying out the catering services shall at least fulfil the exhaust emission requirements of EURO III (this means that the vehicle shall be from at least 2000/2001 or has been retrofitted to comply with such emission levels).

Implementation notes

Seasonal products are those products that are grown outdoors in the region where the procurement is carried out. Each contracting authority will have to attach to the tender in an Annex a self-developed or already existing seasonal food “calendar” of the region, where it is marked in which months the main food products (mainly vegetables and fruit

but also fish) are grown outdoors/fished in the region. However, products need not actually come from the region.

4.4.4.2. Comprehensive criteria – Catering services

<p>Selection criteria</p> <p>The contractor must prove its technical and professional capacity to perform the environmental aspects of the contract through:</p> <ul style="list-style-type: none"> • Certification under an environmental management system (EMS) (such as EMAS, ISO 14001 or equivalent, [insert other national or regional official systems]), or • evidence of an environmental policy covering work instructions and procedures to carry out the service in an environmentally friendly way, or • evidence of previous experience in applying environmental management measures in similar contracts, • the Nordic Swan label for restaurants (in Nordic Countries).
<p>Specifications</p> <p><u>Food criteria</u></p> <p>1. [X] % of [either a defined product group such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] supplied by the catering company must be organically produced according to (EC) 2092/91 of 24 June 1991 on organic production of agricultural products until 31 December 2008, and Regulation (EC) 834/2007 as of 1 January 2009.</p> <p><i>Verification:</i> Suppliers presenting the Nordic Swan ecolabel certificate for restaurants will be presumed to comply with this criterion, if they specify the percentage of organic food that will be used in the relevant contract. Alternatively suppliers must indicate how they intend to meet the obligation within the proposed offer. Proof must be supplied that the food is certified as organically produced by the competent body.</p> <p>2. Of the remaining non-organic produce, [X] % of [either a defined product groups such as dairy, meat, vegetables, or a list of specific products e.g. potatoes, tomatoes, beef, eggs] supplied by the catering company must be produced in accordance with the criteria of Integrated Production or equivalent systems.</p> <p><i>Verification:</i> Suppliers must indicate how they intend to meet the obligation. Products carrying the regional/national Integrated Production label will be deemed to comply with the criteria. Alternatively, the bidder will have to provide appropriate evidence of compliance with each of the requirements laid down in regional/national Integrated Production standards.</p> <p>3. [In case the contracted company defines the menus] The main fruit, vegetables and fish that are used shall, whenever possible, be selected according to the season based on the geographical location in which the assignment is performed. The recommended guidelines are found in the seasonal calendar in Annex X [to be developed by the procurer].</p> <p><u>Paper products</u></p>

4. Paper products such as kitchen paper or paper napkins must be made from recycled fibres or virgin wood fibres coming from forests that are managed so as to implement the principles and measures aimed at ensuring sustainable forest management.

Verification: products carrying the European Ecolabel, Nordic Swan, Blue Angel or other national ecolabel will be presumed to comply; other appropriate evidence, such as a technical dossier from the manufacturer or test report will also be accepted.

Award criteria

Additional points will be awarded

1. Organic Food: additional share of products coming from Integrated Production sources above the minimum requirement in the specification.

Verification: as above

2. Integrated Production: additional share of products from Integrated Production sources above the minimum requirement in the specification

Verification: as above

3. Aquaculture products: Proportion of fish (as compared to the total volume of fish products purchased) to be supplied by the catering company which are caught or produced through sustainable practices and methods as defined in a relevant label for sustainable fishing and aquaculture.

Verification: Suppliers must indicate how they intend to meet the obligation within the proposed offer. Fish products carrying a label for sustainable fishing or aquaculture practices will be deemed to comply with the criteria as will other appropriate means which clearly indicate compliance with the sustainable fishery or aquaculture criteria of a relevant label for sustainable fishing and aquaculture.

4. Animal welfare standards: proportion of animal products to be supplied by the catering company which are produced with higher welfare standards according to national guidelines

Verification: Suppliers must indicate how they intend to meet the obligation within the proposed offer. Products presenting appropriate evidence of meeting the relevant national voluntary standards, such as certification from a recognised body, will be presumed to comply. Alternatively, the bidder will have to provide appropriate evidence of compliance with welfare standards.

5. Packaging: Percentage of products that:

- are supplied in secondary/or transport packaging with more than 45% recycled content
- are not supplied in individual portions (single-unit packages)

Verification: Suppliers presenting the Nordic Swan ecolabel certificate for restaurants will be presumed to comply with the criteria if the certificate covers these requirements. Alternatively bidders will have to provide a signed declaration indicating which of these criteria it is able to meet. The contracting authority will verify compliance during the contract period, and appropriate penalties will be applied for non-compliance.

6. Equipment: the following criteria must be met:

Refrigerators and freezers used in the provision of the service are free of ozone-depleting substances (HCFCs) and HFCs.

The equipment used meets one or more of the following energy efficiency standards where such standards exist: Energy Star, EU energy label (classification A), or [other national standards] or equivalent.

The equipment used is water efficient according to the EU label (classification A) or equivalent standards

Verification: Suppliers must provide a list with the equipment they own identifying those with relevant efficiency labels, or providing alternative appropriate evidence that the criteria are met.

7. Cleaning products: The cleaning products to be used in carrying out the service must meet the following criteria:

(insert Core criteria from Cleaning Products and Services Product Sheet)

Verification: (insert Core criteria verification from Cleaning Products and Services Product Sheet)

Contract performance clauses

1. Waste generation

- In order to reduce waste generation, food and beverages must be served using reusable cutlery, glassware, crockery and tablecloths avoiding the use of one-use articles.
- Waste produced during the catering services will be collected separately according to the collecting system of the public administration, which includes the fractions of [define here the specific waste fractions to be separately collected].

2. Staff training

The catering staff must be trained on subjects such as waste minimisation, waste management and selective waste collection and product information (origin, environmental quality of the products). The contractor will present a training plan once the contract is awarded and, at the end of the contract, a certificate stating the training made both to new and permanent staff.

3. Service management

[if selection, criteria are not included] The contractor shall endeavour to ensure that, where possible, food supplied is produced in a manner that minimises adverse environmental impacts. Therefore within the first 6 months of contract, the contractor will have structured and documented environmental procedures for at least the following areas:

- Evaluation of the most significant environmental aspects or the service provided.
- Food selection, manipulation and conservation.
- Waste minimisation and selective collection.

- Reduction of energy and water consumption in food preparation and transport.
- Training.

4. Transport

Vehicles used for the delivery of produce shall at least fulfil the exhaust emission requirements of EURO III (this means that the vehicle shall be from at least 2000/2001 or has been retrofitted to comply with such emission levels).