



EUROPEAN COMMISSION

Brussels, 12 OCT. 2009
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Dear Mr President,

The European Commission would like to thank the European Affairs Committee of the Austrian Bundesrat for having examined the Communication on Public procurement for a better environment and for having provided its opinion on the issue {COM(2008)400}.

The European Commission welcomes the overall support for the objectives set forth in the above Communication and highly appreciates the on-going activities in Austria in the field of green public procurement (GPP).

With respect to the comments made, the European Commission confirms the non binding character of the common GPP criteria which have been and are being developed in close cooperation with the Member States, in view of facilitating the implementation of green public procurement in the Member States. The proposed formal endorsement of commonly developed GPP criteria is not aimed at making these criteria binding in the Member States. The endorsement would imply that Member States take into account the common GPP criteria in national action plans or guidance on green public procurement, not that it becomes the mandatory policy of the state. At the same time, this does not prejudice the right of the Member States to develop mandatory criteria for the same or other product and service groups. For a first set of criteria, the stakeholder process has been finalised and the common criteria which are proposed for endorsement by the Member States are available on the Commission's website:
(http://ec.europa.eu/environment/gpp/toolkit_en.htm).

With respect to the comments made, the Commission has also taken note of the Committee's view that the Communication does not consider in sufficient depth the principle of subsidiarity, in particular when addressing in its section 9 the topic of green private procurement. The Commission would like to stress that it merely seeks to highlight the potential of private procurement for "greening" products and services and hence encourage Member States to further strengthen the link between green public and private procurement.

Yours sincerely,

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Vice-President of the European Commission

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