

Interinstitutional EMAS Days 2023

Empowering GPPs in public institutions: The EUIPO experience

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Jérôme Beaumard (Procurement Team)

Maria Despoina Michalopoulou (Corporate Legal Team)

29/11/2023

OVERVIEW OF THE PRESENTATION

- 1. Welcome**
2. Opening: EUIPO's journey in integrating Green Public Procurement (GPP)
3. SESSION 1: GPP in EUIPO's call for tenders: Procedural & Legal aspects
4. SESSION 2: IT tools & GPP for improving EUIPO's environmental performance
5. Lessons learned

1. WELCOME



Luis Montolio Perelló
Environmental Coordinator
Infrastructure & Buildings Department –
Internal Controls Team



Jérôme Beaumard
Finance Department –
Procurement Team



Maria Despoina Michalopoulou
Legal Department –
General Legal Affairs Service

1. WELCOME



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2. EUIPO'S JOURNEY IN GREEN PUBLIC PROCUREMENT (GPP)



2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

What do we expect from GPP?



A **tool** that helps us in a **systematised** way to:

Reduce the carbon footprint of our activities



Maximise the circular economy



Reduce water consumption



Reduce energy consumption



Minimise waste generation



Avoid any direct or indirect pollution throughout the production chain



Reduce consumption of other natural and manufactured resources



Global objective:



**Reduction of
EUIPO's
environmental
footprint**

2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

Examples of GPP: Works contracts. AA3 building construction at EUIPO headquarters

SELECTION CRITERIA

- Environmental management systems or standards (e.g: **EMAS** or **ISO 14001**)



TECHNICAL SPECIFICATIONS

- Required **sustainable approach** aligned with BREEAM
- Ecological **land use**
- Sustainability of the **water cycle**
- Selection of **materials** with lower environmental impact
- Sustainable **waste** management
- **Energy efficient** building
- Maximisation of **green spaces**
- Integration of **sustainable mobility** as a key design factor



AWARD CRITERIA

- Aesthetic design for **landscape integration** into the environment (10 pts)
- A better **BREEAM** certification value (Outstanding achieved) (4 points)
- A better **Energy Efficiency** of buildings and their installations (2 points)
- Quality requirements technical installations. HVAC&Renewable energies (6 points)
- Environmental Management **plan for works** (2 points)
- Functional and **material quality** requirements (6 points)
- Ease of **maintenance and cleanliness** of buildings and facilities (5 points)

35 points about
Tech. part (60%)



2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

Examples of GPP: Service contracts. Transport

SELECTION CRITERIA

The company has to demonstrate it has implemented environmental management procedures (e.g. **EMAS/ISO 14001** but also **other duly justified non-certified**)



TECHNICAL SPECIFICATIONS

- 70% of the **minimum fleet** may not be older than 5 years
- **Low CO2 emissions**. Preferably EURO VI vehicles and vehicles using alternative fuels, hybrids or electric vehicles are requested
- **Tyre Pressure Monitoring** Systems (TPMS)
- **Fuel consumption** display
- Automatic ignition and shutdown system (**Start/Stop**).



AWARD CRITERIA

- Age of vehicles (12 points)
- Electric, hybrid, LPG or biofuel vehicles over the minimum fleet requirement (12 points)
- Training plan for drivers (6 points)
- Energy management certificate. UNE-EN ISO 50.001 or equivalent (2 points)
- Methodology justifying the calculation of residual emissions **offsetting** (1 point)
- Certification of the **greenhouse gas emission calculation** UNE-EN ISO 14064-1 or equivalent (2 points)

35 points about.
Quality part (50%)



2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

Examples of GPP: Supply contracts. Furniture

SELECTION CRITERIA

- Environmental management systems or standards (e.g: **EMAS** or **ISO 14001**)



TECHNICAL SPECIFICATIONS

- Wood for items must always come from legally and **sustainably managed forests**
- **CO2 emissions** from the manufacturing process of products requested by the Office
- **Packaging materials** to be easily sorted by hand into single-material, recyclable parts. Contractor will be responsible for managing them according to regulations
- The packaging must not be made of **halogenated plastics** and must contain at least 20% recycled materials
- Durability, ease of **disassembly**, available stock of parts, **repairability** and **recyclability** requirements
- **Plastic parts** weighing more than 50g must be marked for recycling (ISO 11469 or eq.)



AWARD CRITERIA

- **Eco-design** (max. 8 points)
- **Environmentally friendly production centers** (max. 4 points)
- Recyclable and recycled **materials** (max. 6 points)
- Upholstery and coverings without **VOC emissions** (max. 4 points)
- Zero or low **formaldehyde emissions** in wood-based panels (max. 2 points)
- Characteristics of the **packaging** used (max. 2 points)
- Guaranteeing the absence of **chlorinated plastics** such as PVC (max. 2 points)
- Guaranteeing the absence of **heavy metals** (max. 2 points).
- Guaranteeing the absence of **phthalates** (max. 2 points)
- **Energy efficiency** for electronic devices (max.2 points)

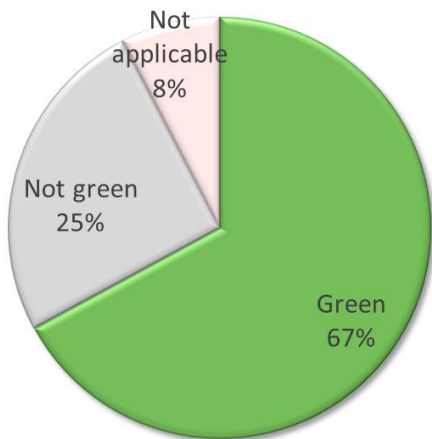
34 points about
Quality part (60%)



2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

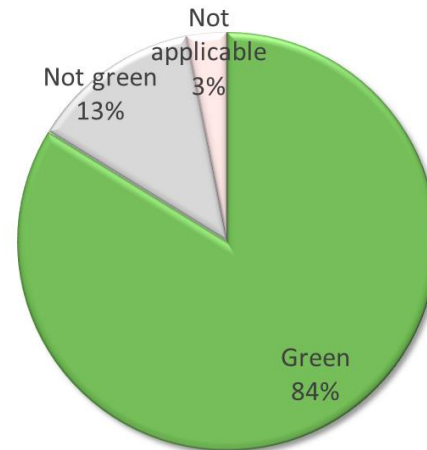
EUIPO Call for Tenders (CfTs) with GPP (2019-2023) Global Approach

Average by number of green tenders (%)



✓ 115 Call for tenders

Average by amount of green tenders (%)



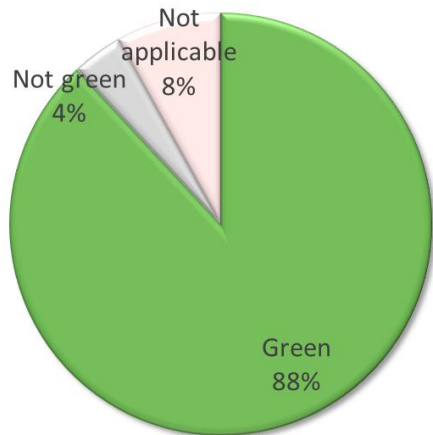
Note: Statistics include ALL tenders of more than 15.000€ published on EUIPO's external portal

2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

EUIPO Call for Tenders (CfTs) with GPP (2019-2023)

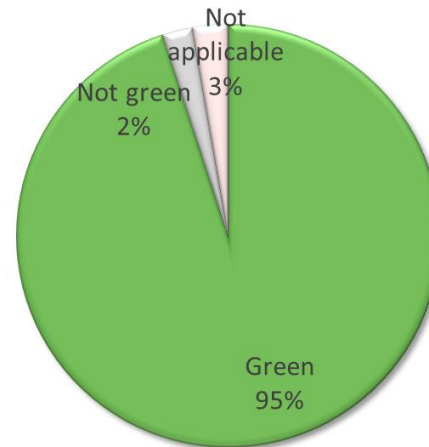
Buildings management field

Average by number of green tenders (%).



✓ 46 Call for tenders

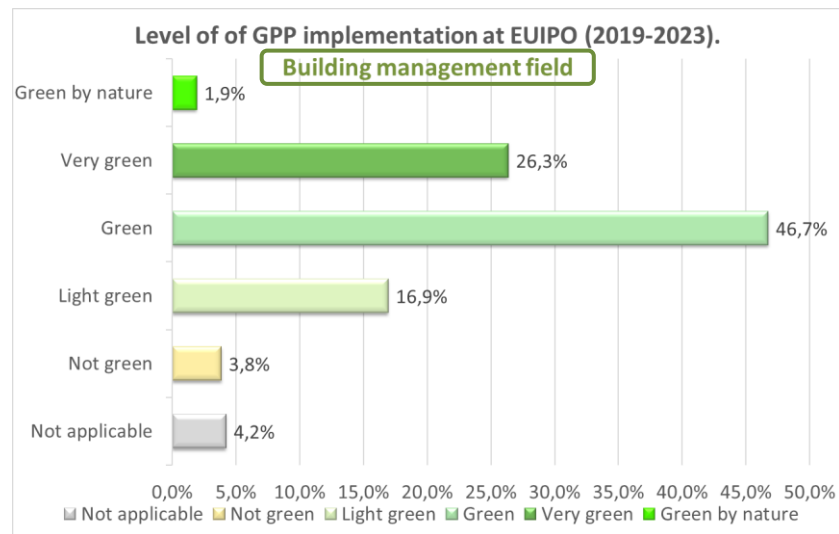
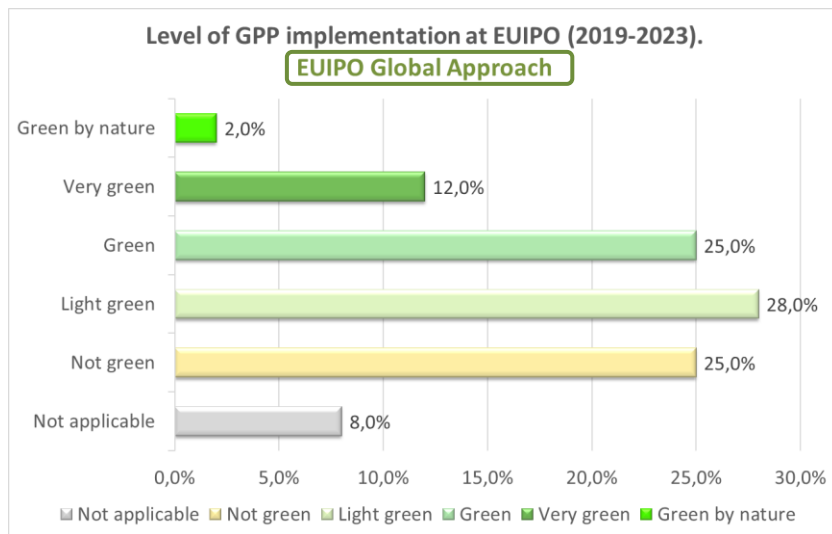
Average by amount of green tenders (%).



Note: Statistics include ALL tenders of more than 15.000€ published on EUIPO's external portal

2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

EUIPO Call for Tenders (CfTs) with GPP (2019-2023) Distribution by level of GPP implementation



Note: The GPP classification is based on the classification developed in the [ECA report \(2014/14\)](#)

2. EUIPO'S JOURNEY IN INTEGRATING GREEN PUBLIC PROCUREMENT (GPP)

Survey

You will receive the query automatically via MSTeams (It is completely anonymous)

- What constraints do you think are most likely to be significant in your organisation?

- What do you think are the most important benefits that green procurement can bring to your organisation?



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3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

On the basis of the European Green Deal ([COM/2019/640 final](#))

The European Commission launched the [webpage](#) for Green Public Procurement for *“Procuring goods, services and works with a reduced environmental impact throughout their life cycle”*.

Integrated into the Strategic Plan of the EUIPO

Managed by Infrastructure and Building Department at Office level

Carried out by Procurement Team for tender procedures



FINANCE DEPARTMENT
Procurement Team

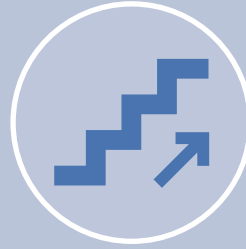
3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS



From the start of the procedures, these aspects are discussed with the requesting Departments



In the Procurement Request Form, a specific section is dedicated to GPP



A GPP level must be indicated from 'not applicable' to 'green by nature' (6 levels)

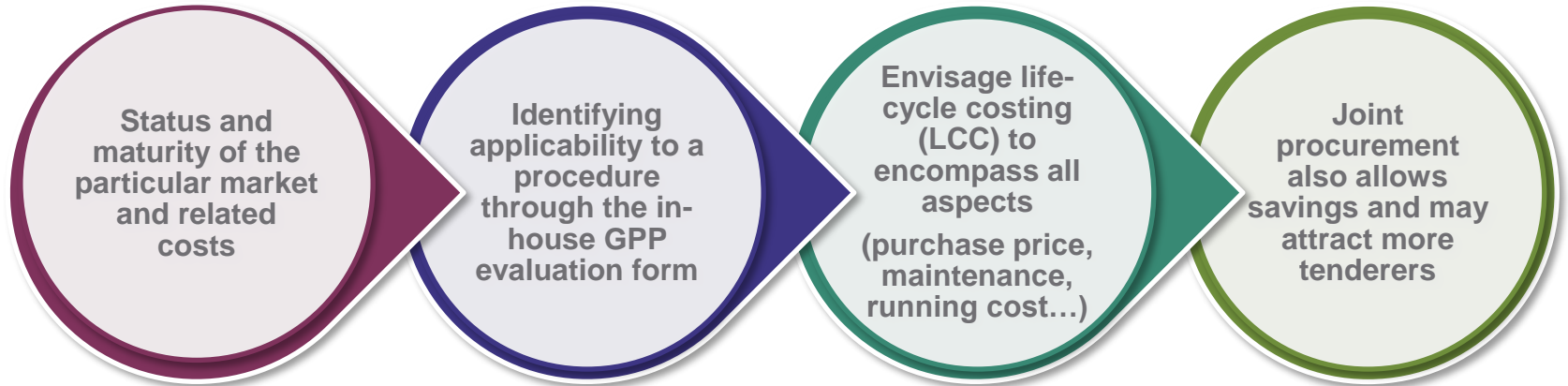


A GPP evaluation form must be filled in with a check-list and different steps for applicability. From legally binding requirements, to selection and award criteria.



3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

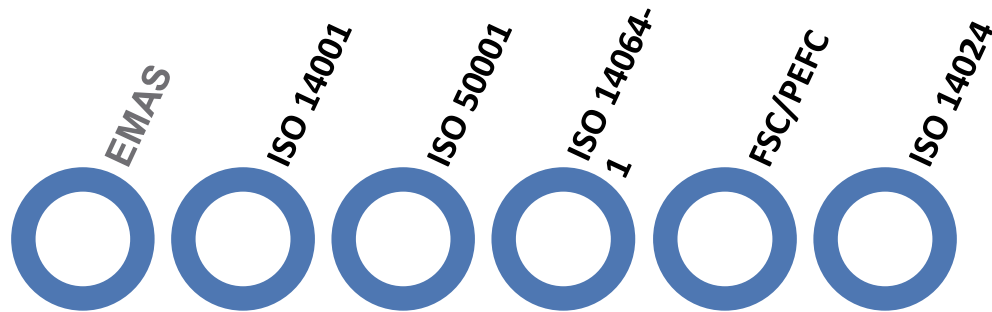
- As from the pre-procurement stage, during survey and/or market research:



3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

At tendering phase at selection:

certification, labels, membership:



As an award criterion:



Quality, coherence and completeness of the environmental aspects of the proposal

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Can also be a component of the technical specifications with a description of the requirements

But respect proportionality and equal treatment



And may as well appear during contract implementation (KPI, SLA)

To be announced in the tender dossier

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

The concept of GPP is governed by a wide range of legal norms.
For the time being, it is still in the phase of **voluntary application for EU Institutions.**

Financial
Regulation



Preamble (103)



Article 166

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Other sources of EU law:

- Directives dominate as legal acts in the EU legislative framework. [Directive 2014/24/EU](#) on public procurement and [Directive 2014/25/EU](#) on procurement by entities operating in the water, energy, transport and postal services sectors
- Non-legislative instruments, such as strategic documents, guidelines and European or International standards
- The basic principles of free movement of goods, services, capital and people are set out in the Treaties of the EU
- State aid and competition law

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Case C-513/99 Concordia Bus Finland ECLI:EU:C:2002:495 (urban bus transport services)

“the contracting authority may take into consideration **ecological criteria** such as the **level of nitrogen oxide emissions or the noise level of the buses**, provided that they are linked to the subject-matter of the contract, do not confer an unrestricted freedom of choice on the authority, are expressly mentioned in the contract documents or the tender notice, and comply with all the fundamental principles of Community law, in particular the principle of non-discrimination”

Criteria relating to the **protection of the environment** are taken into account to determine the **most economically advantageous tender**.

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Case C-448/01 EVN and Wienstrom ECLI:EU:C:2003:651

“The Community legislation on public procurement does not preclude a contracting authority from applying, in the context of the assessment of the most economically advantageous tender for a contract for the supply of electricity, an award criterion with a weighting of 45% which requires that the electricity supplied be produced from renewable energy sources. The fact that that criterion does not necessarily serve to achieve the objective pursued is irrelevant in that regard”

Award criterion giving preference to electricity produced from
renewable energy sources

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Case C-295/20 'Sanresa' UAB ECLI:EU:C:2021:556 (hazardous waste management services)

The obligation in question is laid down in Articles 3 to 6 of Regulation 1013/2006 and relates to the performance of the contract and aims to lay down special conditions addressing **environmental considerations**. By imposing such an obligation, the contracting authority complies with Article 18(2) of Directive 2014/24, which requires Member States to ensure that obligations arising from **environmental law** established by Union law are respected by economic operators in the performance of public contracts.

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Any questions?

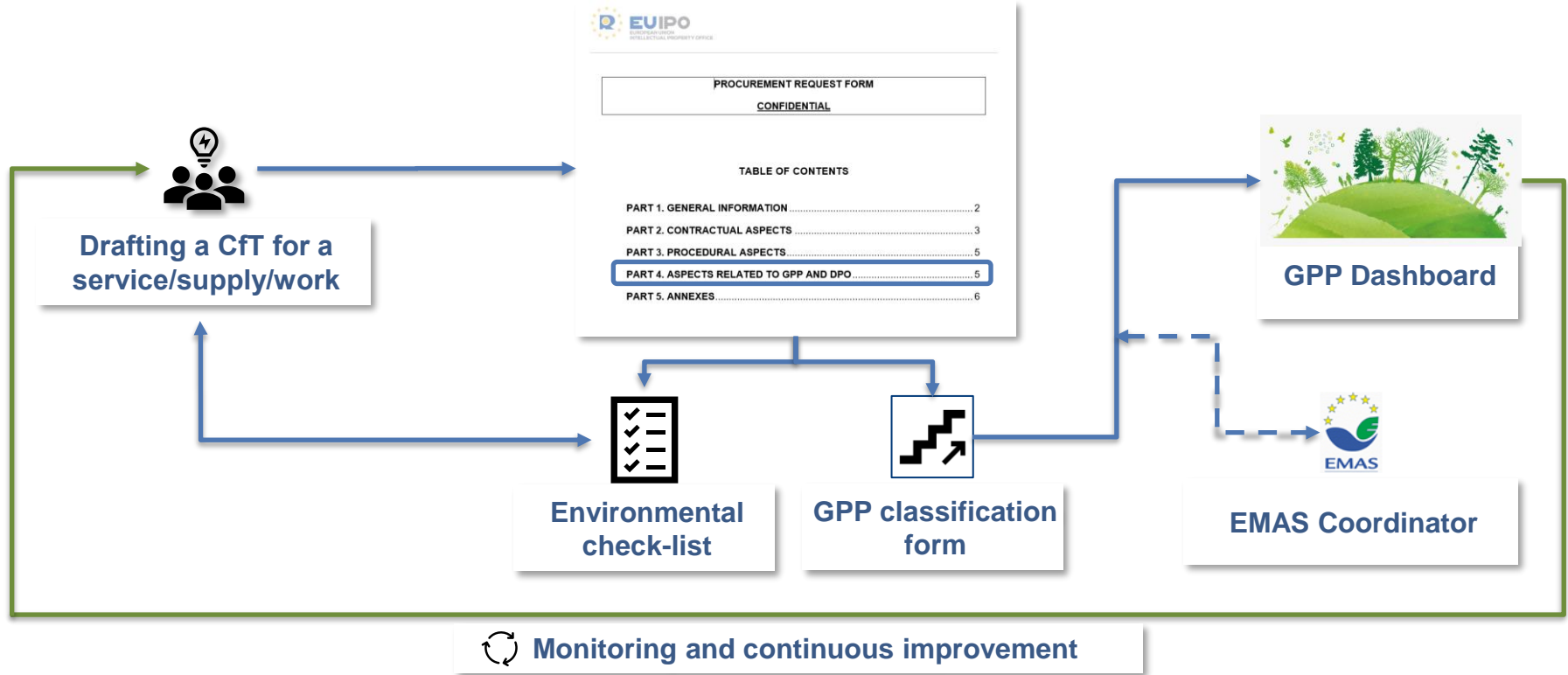


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4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE

DOCUMENTARY PROCESS OF GPP INTEGRATION



4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE



ENVIRONMENTAL CHECK-LIST

Version: 01

1.- ENVIRONMENTAL CHECK-LIST

**This document should be submitted together with the Procurement Request Form (PRF) to Procurement team
The aim is to help the tender manager (AFO, contract manager) to identify potential environmental aspects of the tender**

HOW TO USE THIS FORM:
Please, answer the following questions with a YES/NO and provide a brief justification.
The result shows a first approximation of potential environmental impact

		Date:	Call for tender name:
		XX-XX- XXXX	XXX
Yes / No	Comments / Evidence		
1	Is waste generated as a result of the future contract activity (e.g. organic waste, paper, glass, wood, packaging waste, metals, electronic waste, medical products, batteries, etc)?	Yes	
2	Are effluents (e.g. wastewater containing contaminants such as detergents, solids, oils, grease, hydrocarbons, chemicals, etc) generated by the future contract activity?	Yes	
3	Are there any air emissions (e.g. vehicle fumes, diesel generators, chemicals, odorous substances, etc.) arising from the future contract activity?	Yes	
4	Are significant noise emissions generated as a result of the future contract activity (e.g. due to construction work, maintenance activities, vehicles, special management events, etc)?	Yes	
5	Is consumption of natural or material resources (e.g. water, energy, fossil fuels, paper, soil, toner, chemicals, packages, etc.) generated by the future contract activity?	Yes	
6	Must the contractor comply with specific regulations related to the environment (acoustic levels, limitation hazardous substances)?	Yes	
7	Should the contractor have environmental training to reduce the environmental impact of the contracted services?	Yes	
8	Does the contract provide for the training of office staff? If yes, could the content of such training have an impact on project management, decision-making, facilities management or use of material resources and people?	Yes	
9	Does the contract involve the movement of contractor's staff to the office or other locations where the contract is to be performed?	Yes	
10	Does the contract include the need for EUIPO staff to travel outside the Office in the context of the execution of the contract?	Yes	

RESULT	COMMENTS
Level of potential environmental impacts: 100,00%	The tender has an IMPORTANT RANGE OF POTENTIAL ENVIRONMENTAL ASPECTS.

RECOMMENDATIONS

- It is recommended to establish both general and specific measures in the design of the CFTs to minimise its potential environmental impact.
- Remember that you can act through at 3 levels: technical specifications, selection and/or evaluation criteria.

The aim of the environmental check-list is to help contract managers to identify the potential environmental impacts of the future contract and to prepare the Call for Tenders correctly.

4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE



ENVIRONMENTAL CHECK-LIST

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XX-XX-XXXX	XXX	
Yes / No	Comments / Evidence	
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3	Are there any air emissions (e.g. vehicle fumes, diesel generators, chemicals, odorous substances, etc.) arising from the future contract activity?	Yes
4	Are significant noise emissions generated as a result of the future contract activity (e.g. due to construction work, maintenance activities, vehicles, special management events, etc.)?	Yes

Answer a few yes/no questions and provide a short justification if necessary.

Once completed, the form automatically displays a series of recommendations based on the answers provided to make the user aware of the potential environmental impact their Call for Tenders may have.

4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE



GPP PRECLASSIFICATION FORM

The purpose of this form is to provide the contract manager with an automatic classification of the GPP level of the Call for Tenders (CfTs)

The 4 sections of the form with the type of selection criteria, award criteria and technical specifications must be completed, including a part if the CfTs has some additional specific characteristics

Once completed, the form automatically displays the GPP classification achieved



GPP Dashboard

EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

2.- GPP PRECLASSIFICATION

This document should be submitted together with the Procurement Request Form (PRF) to Procurement along with the rest of the tender documentation.
The result obtained in this form is the GPP ranking based on "Leaderboard" green classification (see table below)
Procurement team together with the environmental team will review and validate the GPP rating achieved.

INSTRUCTIONS:
Please, indicate the date and the Call for Tenders name, select an option and provide a brief justification for each point.

	Date:	Call for tender name:
	XX-XX-XXXX	XXXX
	Select an option	Comments / Evidence

1. CALL FOR TENDERS WITH SPECIAL CHARACTERISTICS

NOT APPLICABLE Category. It is not possible to introduce environmental criteria due to the nature of the scope of the contract or limiting market conditions (e.g. monopoly).	Not applicable	
GREEN BY NATURE category. This is a category where the primary function of the goods, services and works to be procured is green, for example the construction of a green roof or the procurement of consultancy services to improve environmental performance.	Not applicable	

2. LEVEL OF TECHNICAL SPECIFICATIONS IMPLEMENTED RELATED TO ENVIRONMENTAL PROTECTION

Specific environmental clauses are included beyond what is legally required or to reduce the environmental impact of the activity	Not implemented	
The new tender was created as an eco-friendly alternative to the previous tender. All aspects (services, supplies, etc.) of the previous tender that had a very significant overall environmental impact have been eliminated or redesigned (e.g. Electronic subscription to a specialist journal instead of the printed version).	Not applicable	

3. SELECTION CRITERIA IMPLEMENTED

Only environmental policy is requested from the tenderer (no external certification)	Not implemented	
An environmental management system (EMAS or equivalent) is included as a selection criterion	Not implemented	

4. TECHNICAL AWARD CRITERIA (QUALITY)

An environmental evaluation criterion is included with a total weighting of quality and price of:	Not implemented	
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CATEGORY OF GPP IMPLEMENTATION ACHIEVED

NOT GREEN

Page 1

4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE

ENVIRONMENTAL HUB



EUIPO ENVIRONMENTAL HUB

HOME

PAPER FOOTPRINT REPORT

CARBON FOOTPRINT REPORT

WASTE FOOTPRINT REPORT

GPP DASHBOARD

Editar

☆ No se sigue

🔗 Acceso a sitios

+ Nuevo elemento ▾

🗑️ Descartar cambios

⚙️ Detalles de la página

📄 Análisis

Borrador guardado a las 27/10/2023

🔗 Compartir ▾

✎ Editar

🏠 Volver



PAPER FOOTPRINT REPORT

CARBON FOOTPRINT REPORT

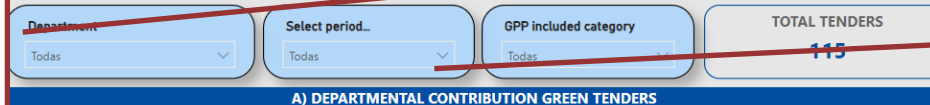
WASTE FOOTPRINT REPORT

GPP DASHBOARD

4. IT TOOLS & GPP FOR IMPROVING EUIPO'S ENVIRONMENTAL PERFORMANCE

GPP DASHBOARD

Tool created in PowerBI and fed by a MS Excel file that is periodically updated



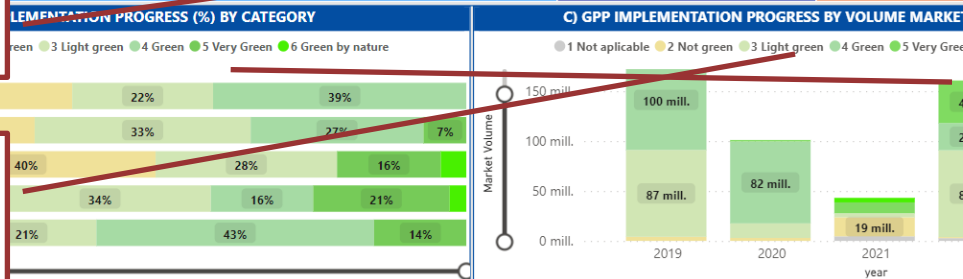
Filters by department, period or category of GPP

Green tender information by department

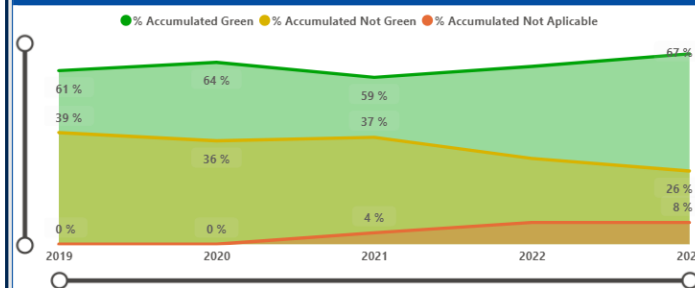


Information on the level of GPP achieved for the selections made

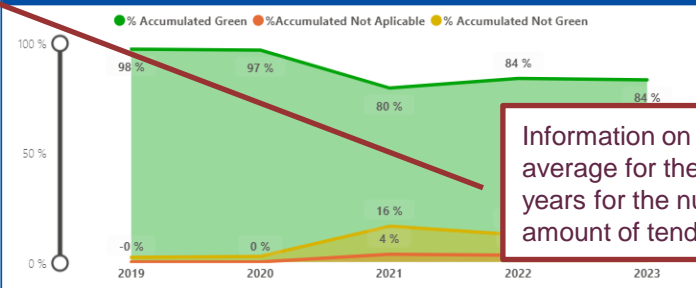
Information on the level of GPP achieved by market volume



D) EUIPO MOVING AVERAGE GREEN IMPLEMENTATION BY NUMBER (4 years)



E) EUIPO MOVING AVERAGE GREEN IMPLEMENTATION BY AMOUNT (4 years)



Information on the moving average for the last 4 years for the number and amount of tenders

3. GPP IN EUIPO'S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Any questions?



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5. LESSONS LEARNED

Capacity to transform
the market towards
sustainability

Involvement of the
whole organisation is
essential

Preliminary market
research is a very
useful tool

Prevent incorrect
GPP integration. Risk
of procedure failure
or loss of efficiency

Look for added value
that brings real
benefits

Avoid the risk of
greenwashing in
GPPs

Make sure to follow
up during
implementation -
Checks and controls

Systematisation and
supporting tools are
key

Be careful asking
systematically for
GPP - risk of
constricting the
market

Some useful sources of green procurement criteria

- [Green Public Procurement Criteria and Requirements. EC](#)
- [EU Green public procurement helpdesk. EC](#)
- [Buying Green! A handbook on green public procurement. EC](#)
- [Guide des Achats durables. \(Belgium\)](#)
- [La compra y contratación pública verde del IHOBE en el País Vasco \(Spain\).](#)
- [Guía de compras verdes para la administración y las empresas de la Junta de Extremadura \(España\).](#)
- [Guía verde de medidas medioambientales en la contratación de obras de la Generalitat Valenciana \(Spain\)](#)
- [Guía de compra pública verde de la Generalitat de Catalunya \(Spain\)](#)
- [Guía de buenas prácticas en compra pública verde de la Junta de Andalucía \(Spain\)](#)
- [Compra y contratación pública verde en Aragón \(Spain\)](#)

THANK YOU

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THANK YOU