Interinstitutional EMAS Days 2023

Empowering GPPs in public institutions: The EUIPO experience

Luis Montolio Perelló (Environmental Coordinator)
Jérôme Beaumard (Procurement Team)
Maria Despoina Michalopoulou (Corporate Legal Team)
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
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2. EUIPO’S JOURNEY IN GREEN PUBLIC PROCUREMENT (GPP)

- **2008**: First EMAS certification
- **2012**: Carbon Footprint report
- **2015**: EMAS certification extended to the new AA2 building
- **2016**: Reduction of EUIPO’s environmental impact Project
- **2017**: Sustainability report (GRI)
- **2019**: EMAS certification extended to the new AA3 building
- **2022**: Inter-agencies FWC for environmental services (17 EU bodies)
- **2023**: GPP Dashboard & other IT tools

- **First steps**: Introducing GPP in the key Call for Tenders
- **New element**: Reduce the carbon footprint in contracts
- **GPP in design and construction works**: BREEAM standard: Outstanding rating
- **Systematisation of the integration of GPP in purchasing processes**
- **First comprehensive analysis of sustainability**: BREEAM standard: Outstanding rating
- **GPP in design and construction works**: BREEAM standard: Outstanding rating
- **Integration of requirements for environmental management systems, studies and offsetting of residual GHGs**
- **Development of IT tools to monitor GPP and support contract managers**

**Boosting the exploration of the systematisation of social criteria (2023)**
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)
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)
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)
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 (%)
- Not green: 25%
- Green: 67%
- Not applicable: 8%

Average by amount of green tenders (%)
- Not green: 13%
- Green: 84%
- Not applicable: 3%

☑️ 115 Call for 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)

Average by number of green tenders (%).

- Green: 88%
- Not green: 4%
- Not applicable: 8%

Average by amount of green tenders (%).

- Green: 95%
- Not green: 3%
- Not applicable: 2%

46 Call for 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

<table>
<thead>
<tr>
<th>Level of GPP implementation at EUIPO (2019-2023)</th>
<th>EUIPO Global Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green by nature</td>
<td>2,0%</td>
</tr>
<tr>
<td>Very green</td>
<td>12,0%</td>
</tr>
<tr>
<td>Green</td>
<td>25,0%</td>
</tr>
<tr>
<td>Light green</td>
<td>28,0%</td>
</tr>
<tr>
<td>Not green</td>
<td>25,0%</td>
</tr>
<tr>
<td>Not applicable</td>
<td>8,0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level of GPP implementation at EUIPO (2019-2023)</th>
<th>Building management field</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green by nature</td>
<td>1,9%</td>
</tr>
<tr>
<td>Very green</td>
<td>26,3%</td>
</tr>
<tr>
<td>Green</td>
<td>46,7%</td>
</tr>
<tr>
<td>Light green</td>
<td>16,9%</td>
</tr>
<tr>
<td>Not green</td>
<td>3,8%</td>
</tr>
<tr>
<td>Not applicable</td>
<td>4,2%</td>
</tr>
</tbody>
</table>

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

- Status and maturity of the particular market and related costs
- Identifying applicability to a procedure through the in-house GPP evaluation form
- Envisage life-cycle costing (LCC) to encompass all aspects (purchase price, maintenance, running cost...)
- Joint procurement also allows savings and may attract more tenderers
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

EMAS, ISO 14001, ISO 50001, ISO 14064-1, FSC/PEFC, ISO 14024
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.
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.
3. GPP IN EUIPO’S CALL FOR TENDERS: PROCEDURAL & LEGAL ASPECTS

Other sources of EU law:


- 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.
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.
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
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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DOCUMENTARY PROCESS OF GPP INTEGRATION

- Drafting a CfT for a service/supply/work
- Environmental check-list
- GPP classification form
- GPP Dashboard
- EMAS Coordinator
- Monitoring and continuous improvement
4. IT TOOLS & GPP FOR IMPROVING EUPO’S ENVIRONMENTAL PERFORMANCE

ENVIRONMENTAL CHECK-LIST

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

This document should be submitted together with the Procurement Request Form (PRF) to the Procurement team.

The aim is to help the tender manager (AFI, contract manager) to identify potential environmental aspects of the tender.

INSTRUCTIONS:
Please answer the following questions with a YES/NO and provide a brief justification.
The result shows a first approximation of potential environmental impact.

<table>
<thead>
<tr>
<th>Date</th>
<th>Call for tender name</th>
<th>Comments / Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>XX-XX-XXXX</td>
<td>XXX</td>
<td></td>
</tr>
</tbody>
</table>

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.)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

2. Are effluents (e.g., wastewater containing contaminants such as detergents, solids, oils, grease, hydrocarbons, chemicals, etc.) generated by the future contract activity?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

3. Are there any air emissions (e.g., vehicle fumes, diesel generators, chemicals, odorous substances, etc.) arising from the future contract activity?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

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.)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

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
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

+ Nuevo elemento  📄 Descartar cambios 📱 Detalles de la página  📊 Análisis  Borrador guardado a las 27/10/2023  ⚡ Compartir  ✒️ Editar

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 by market volume
- Information on the level of GPP achieved for the selections made
- Information on the moving average for the last 4 years for the number and amount of tenders
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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 Andalucia (Spain)
- Compra y contratación pública verde en Aragón (Spain)