

Policy Developments in the field of Green Public Procurement

Green Public Procurement Advisory Group

17 January 2024

European Union



The “Batteries Regulation”

(published in the OJEU on 12.07.2023; Applicable from 18.02.2024)

The Regulation aims at:

- Harmonising product requirements for batteries
- Minimising environmental impact of batteries
- “Closing the loop” by encouraging reuse, introducing recycled content targets for new batteries and improving waste batteries collection and recycling of materials
- Providing legal certainty to unlock investments and boost the production capacity for sustainable batteries in Europe and beyond

This will be achieved through secondary legislation by the establishment of:

- Sustainability and safety requirements for batteries
- Performance and durability requirements
- Labelling and information requirements e.g. on hazardous substances
- Management of waste batteries – increased separate collection, recycling efficiency and materials recovery

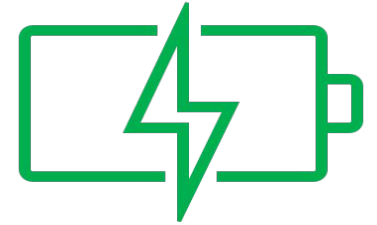


The “Batteries Regulation”

(Next Steps on GPP)

Article 85 of the Regulation on GPP establishes:

- **Generic obligation:** Public buyers shall procure batteries or products containing batteries, taking into account the environmental impacts of those batteries over their life cycle with a view to ensuring that such impacts are kept to a minimum.
- From 12 months after the date of entry into force of the first delegated act establishing sustainability requirements (Article 7 to 10), EU public buyers shall procure batteries or products containing batteries with significantly lower environmental impacts over their life cycle by making reference to those criteria in technical specifications and award criteria
- Commission shall adopt delegated acts establishing award criteria for procurement, from 12 months after the adoption of the last delegated act establishing sustainability requirements.



The “Ecodesing for Sustainable Products Regulation”

(Commission proposal: March 2022 - Provisional agreement: December 2023)

Main features:

- All products on the internal market to comply with ecodesign requirements (durability, reliability, reusability, upgradability, reparability, etc.) to be set in delegated acts, for different groups of products
- Introduction of a digital product passport for specific product groups.
- Possibility for the Commission to ban the destruction of particular groups of products;
- Empowerment of market surveillance authorities to order an online marketplace to remove products that do not comply with the eco-design requirements;
- Possibility for banning products that can detect they are being tested and alter their performance;
- Implementing acts establishing ecodesign requirements for public contracts;
- Member States allowed to provide incentives for consumers to make sustainable choices;
- Commission invited to prioritise in the first working plan for 2024-2027, the following products: iron, steel, aluminium, textiles, notably garments and footwear, furniture, including mattresses, tyres, detergents, paints, lubricants, chemicals, energy-related products and ICT products and other electronics.



“Ecodesing Regulation”

Article 58 - GPP

The Commission is empowered to adopt implementing acts setting out the minimum GPP requirements:

- In accordance with the ecodesing requirements established by delegated act
- Assuming the form of technical specifications (TS), award criteria (AC), contract performance conditions or targets
- TS to be based on the two highest performance classes, the highest scores or, when not available, on the best possible performance levels that will be set out in the delegated acts
- Award criteria shall, where appropriate, include a minimum weight, between 15% and 30%, in the awarding process, favouring the selection of the most environmentally sustainable products
- Targets shall require, on annual or multiannual basis, a minimum percentage of 50% of procurement conducted at the level of contracting authorities or entities, or at aggregated national level, of the most sustainable products

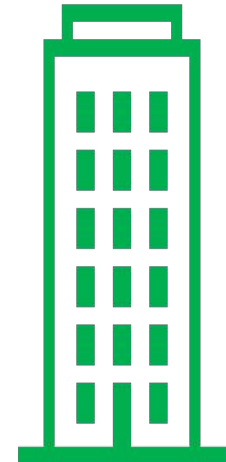


Revision of the Construction Products Regulation”

(Commission proposal: March 2022 - Provisional agreement: December 2023)

Main features:

- Renewed scope (reused and 3D-printed construction products and pre-fabricated one-family-houses are included)
- Commission allowed to adopt technical specifications in cases where the standardisation system is not delivering, and to set product requirements
- Sets out new environmental, functional and safety product requirements
- Further EU harmonization while respecting 'imperative regulatory needs' from Member States on health, safety or protection of the environment, including climate.
- Manufacturers to provide a declaration of conformity with product requirements, on top of a declaration of performance (possibility to give information via electronic means)
- Defines a list of general sustainability requirements that can be further defined by the Commission
- Simplification and exemption provisions for micro-enterprises
- Aligns with the regulation on ecodesign requirements for sustainable products on climate and environmental sustainability and on the digital product passport



“Construction Products Regulation”

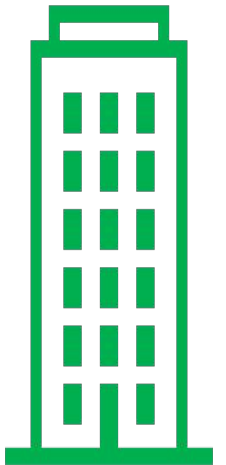
Article 84 - GPP

The Commission is empowered to adopt **delegated acts** setting out the minimum GPP requirements:

- For products that are harmonised (standards, thresholds and classes exist for that product)
- Assuming the form of technical specifications (TS), award criteria (AC), contract performance conditions or selection criteria
- The Impact Assessment for the preparation of the first delegated act shall be launched before 31 December 2026

Derogations: In duly justified circumstances and after conducting preliminary market consultations, public buyers may derogate from the CPR provisions when:

- there is no sufficient supply to ensure competition
- no suitable tenders have been received
- the final price of the contract exceeds the estimated cost in 10%
- The use of the derogations shall be reported

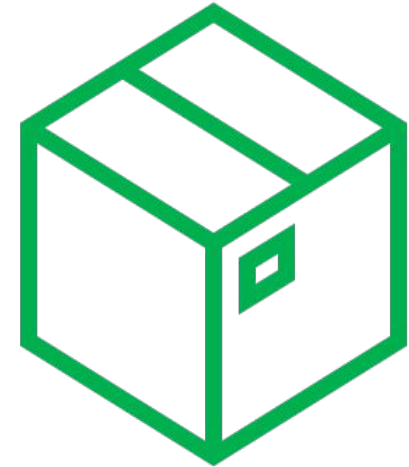


“Packaging and Packaging Waste Regulation”

(Commission proposal: November 2022 – Current Status: Triologues)

Main features:

- Applicable to all packaging and to all packaging waste, it sets out requirements for substances in packaging
- All packaging shall be recyclable (designed for recycling by 1 January 2030 and can be recycled at scale from 1 January 2035)
- Minimum recycled content in plastic packaging from 1 January 2030 (e.g. 30 % for single use plastic beverage bottles), with some exemptions (e.g. for medical devices). Percentages to increase from 1 January 2040
- Some packaging to be compostable by two years after the entry into force of the Regulation (such as filter coffee pods)
- Packaging designed to minimise its weight and volume
- Requirements for reusability and labelling
- Obligations to limit the empty space ratio in packaging to a maximum of 40 %, and to ensure that a system for re-use of reusable packaging is in place
- Wide range of targets on re-use and refill, for different sectors and packaging formats
- Annual consumption of lightweight plastic carrier bags not to exceed 40 bags per person by the end of 2025 (with exceptions)

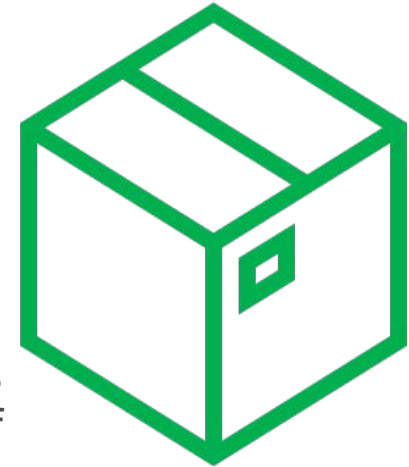


“Packaging and Packaging Waste Regulation”

Article 57 - GPP

State of play:

- European Parliament supports the Commission proposal
- Council is proposing major changes (General approach 18 Dec 2023):
 - Implementing acts instead of delegated acts
 - GPP requirements applicable only when packaging or packaged products represent more than 30% of the estimated contract value or of the value of products used by the services object of the contract
 - GPP requirements to take the form of technical specifications, selection criteria and contract performance conditions (not award criteria or targets)
 - Possibility for public buyers to derogate from the GPP mandatory requirements on the grounds of public security or public health or when those would lead to unresolvable technical difficulties



Net Zero Industry Act - NZIA

(Commission proposal: February 2023 – First trilogue December 2023)

Aims at:

- setting up the framework of measures for innovating and scaling up the manufacturing capacity of net-zero technologies in the EU
- supporting the EU's 2030 target of reducing net greenhouse gas emissions by at least 55 %
- ensuring the EU's access to a secure and sustainable supply of net-zero technologies needed to safeguard the resilience of the EU's energy system and to contribute to the creation of quality jobs
- ensuring that by 2030, the manufacturing capacity in the EU of the strategic net-zero technologies (e.g. solar photovoltaic) approaches or reaches at least 40% of the EU's annual deployment needs

It sets up enabling conditions for net-zero technology manufacturing (e.g. streamlined permitting processes)

Includes measures aimed at accelerating access to markets for net-zero technologies

NZIA

Public procurement

Commission proposal

- Award criteria to include the sustainability and resilience contribution:
 - 1) environmental sustainability beyond the minimum legal requirements
 - 2) innovation aspects
 - 3) energy system integration
 - 4) resilience (taking into account the proportion of the products originating from a single source, which supplies more than 65% of the specific net-zero technology within the Union).
- Mandatory weighting-range: 15% to 30% of the award criteria & possibility to go beyond for environmental/innovation criteria
- Exceptions: where this would result in technical incompatibility or disproportionate costs (10% presumption)

Council general approach

- Minimum mandatory requirements for environmental sustainability to be specified in an implementing act
- The obligation to apply resilience criteria conditional on a 50% or higher dependency on a single source for the final products or key components.
- Authorities would be required to ensure that offers do not contain more than 50% of the value of a net-zero technology coming from a single source of supply.

European Parliament position

- the EP text largely builds further on the original Commission proposal
- The sustainability contribution covers “environmental and social sustainability”
- A minimum weight of 30% is defined
- Cost differences are considered disproportionate when they are above 30%.

Sustainable public procurement (SPP) of food

(One of the initiatives of the F2F strategy in the pipeline for... 2025)

Indicative plans...

- Criteria to cover the environmental, social health and economic dimensions of sustainability
- Draft SPP criteria to be discussed in workshops with Competent Authorities and stakeholders
- Criteria to be coherent with existing voluntary EU GPP criteria and existing regulatory standards
- Inclusion of provisions on food information to consumers, animal welfare and EU marketing standards
- Establishment of an EU Network of national focal points for public food procurement and low- threshold network of local/regional public food procurement officers



Other policy instruments

- **GPP Manual on Printed Paper:** GPP AG has been consulted and is ready for publication
- **GPP Manual graphic paper & GPP Manual tissue paper:** GPP AG has been consulted and is ready for publication
- **GPP Manual Absorbent Hygiene Products:** GPP AG has been consulted. Final preparations for publication
- **GPP Manual Reusable Menstrual Cups:** Work ongoing. GPP AG to be consulted.
- **GPP criteria Office Building:** final internal assessments ongoing. GPP AG will be consulted before the launch of the Commission interservice consultation

Thank you



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