



CircuLaw

C-PRONE
Circular Public
Procurement

16 May 2025

Law as a service
CircuLaw.nl



CircuLaw: Purpose & Why

Accelerating the transition to a circular economy by enhancing and optimising the use of existing laws and regulations.

The Dutch national goal is to achieve full circularity by 2050. **Intensifying policies and leveraging legislation are essential to accelerate the transition and achieve these objectives.**

(PBL, Circular Economy Reflection Group, Council for Public Administration, etc.).

A great deal is already possible within **existing** laws and regulations. However, governments often lack awareness of these possibilities, or they find them impractical to implement. CircuLaw provides an overview and practical guidance for action.

Insights tailored to each level of government lead to improved collaboration between authorities. This is essential, **as every government level will need to exercise its powers** to achieve the European & national goals.

More uniform and improved policies from governments **provide clarity to the market**. This creates greater certainty, which is essential for circular investments and scaling up initiatives.

EU Legislation



EUROPEAN GREEN DEAL

Click on the title link to view the law

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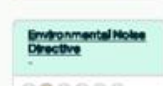
ENERGY



TRANSPORTATION



CLIMATE & EMISSIONS



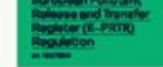
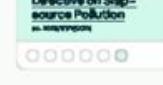
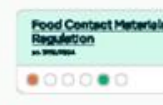
LAND & ANIMALS



WATER



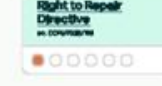
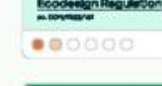
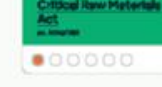
CHEMICALS & POLLUTANTS



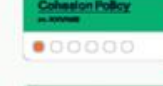
WASTE



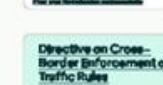
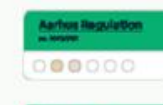
PRODUCTS & MATERIALS



CONSUMER GOODS



REPORTING



FUNDING & SUPPORT





General remarks on the Green Deal

1. Governments (with their procurement instruments) are given the role of frontrunner
14% of GDP | 85 bn per year - 18% climate footprint 23% of total raw material use
2. Legislation is rolled out sector-specific or sometimes product-specific. It is not always clear where European legislation will be implemented in the national legal order.
3. Transparency in the chains is an important topic, however the Omnibus packages drastically reduces it's potential.



Specific remarks on the Green Deal [public procurement]

The Green Deal introduces a mixed bag of obligations- through minimum requirements and - opportunities for public contracting authorities.

Example for products:

Ecodesign: The commission shall adopt delegated acts with mandatory minimum environmental sustainability requirements for products. Contracting authorities must comply with these minimum requirements.

CPR: In addition: “this shall not prevent contracting authorities to establish more ambitious sustainability requirements”.



Legal frame work: case law

Governments have an obligation to take measures:
against climate change
in the field of climate adaptation

Public authorities must:

- Achieve the goals of the Paris Climate Agreement

- Set a timeline for CO2 neutral + remaining CO2 budget (or equivalent)

- Set intermediate goals and paths per sector (or equivalent) and introduce measures

- Keep up to date

- Implement in a timely, appropriate, consistent manner

Failure to comply constitutes as unlawful act.

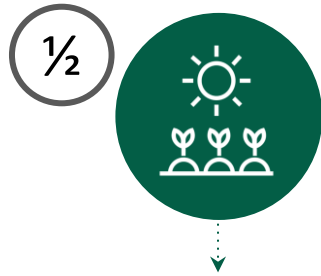
These obligations also apply to municipalities/public authorities.



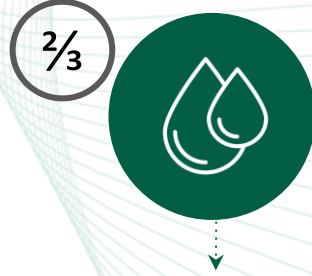
Reducing food waste



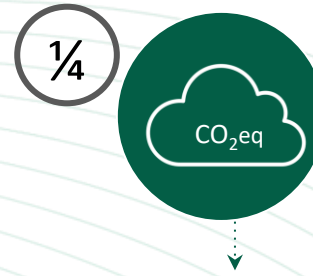
Combating food waste is essential for the transition



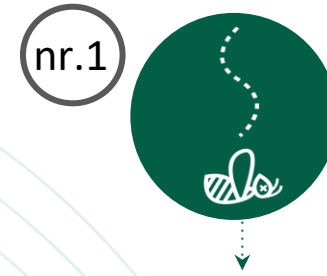
$\frac{1}{2}$
Food system occupies half of all soil where plants can grow



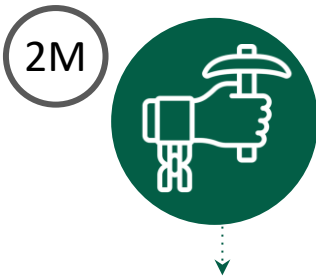
$\frac{2}{3}$
Food system use 66% of global drinking water supplies



$\frac{1}{4}$
Food system account for 25% of global CO2 emissions



nr.1
Food system is the biggest cause of biodiversity loss



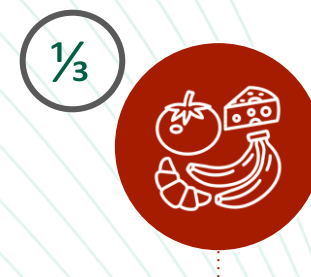
2M
2 million people in the food industry work in forced labor conditions



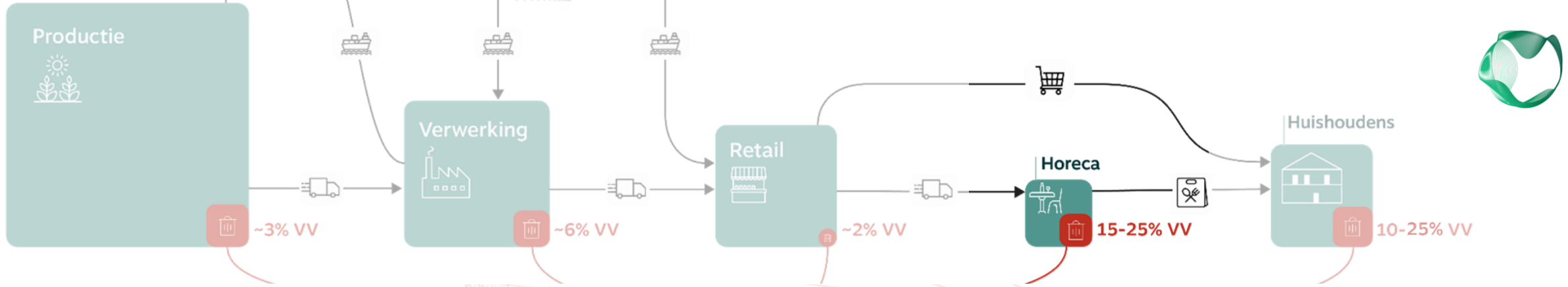
$\frac{1}{9}$
1 in 9 people in the world is malnourished



$\frac{1}{3}$
30% of people experience (severe) food insecurity



$\frac{1}{3}$
One-third of all food worldwide lost or wasted



Hospitality industry

- Large differences between different types of Hospitality
- Buffets are responsible for 20-50% of food waste
- Food waste is especially high in health care institutions/hospitals

Causes of waste in the hospitality industry:

Over-prepared food (wanting to provide continuous supply)

Purchased too much (loss, best before dates)

Portions that are too large



How can public authorities incorporate reducing food waste in public procurement?

Food waste instruments by category

Policy (7)

Purchasing (8)

Ground position (0)

Subsidy (1)

Fiscal (3)

Find out how you can use tenders and procurement to promote circularity.

Tone: ☒ All ☐ Municipal ☐ Provincial ☐ National

Policy

Develop circular purchasing and tendering policy



Special Procedures

Tendering below the European thresholds



Innovation partnership against food waste



Selection Criteria

Request a suitability requirement in the tender



Award Criteria

Add quality mark in tender as award criterion



Request an anti-food waste plan as a sub-award criterion



Request sub-award criteria in tender



Contract Requirements

Include requirements in contract to prevent food waste



Protein transition

Purchasing

Stimulate the protein transition through purchasing and tendering policy

Legal validity ⓘ

Average

Influence ⓘ

Average

Government level

Municipal - Provincial - National

R-ladder ⓘ

R1 - R2 - R3

In the purchasing policy, a decentralised government can establish criteria for the protein transition for future tenders.

Examples



City of Utrecht

- The highest possible content of vegetable proteins in relation to the total amount of purchased proteins (minimum 80%);
- Reducing the level of animal proteins in the standard menu
- 100% of single animal products required to meet environmental and animal welfare criteria

The City of Amersfoort

Objective: Provision of catering and coffee within the sustainability ambitions of the municipality

- Focus on protein transition
- Reducing the amount of animal protein per serving and hidden animal protein
- 80% plant-based after 3 years
- 70% Seasonal and local
- Sustainable clothing and inventory based on secondary materials and bio-based



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