



From Directives to practice: interpreting and implementing green public procurement across EU Member States

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KNOWLEDGE IN ACTION

DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 26 February 2014****on public procurement and repealing Directive 2004/18/EC****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(1), Article 62 and Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The award of public contracts by or on behalf of Member States' authorities has to comply with the principles of the Treaty on the Functioning of the European Union (TFEU), and in particular the free movement of goods, freedom of establishment and the freedom to provide services, as well as the principles deriving therefrom, such as equal treatment, non-discrimination, mutual recognition, proportionality and transparency. However, for public contracts above a certain value, provisions should be drawn up coordinating national procurement procedures so as to ensure that those principles are given practical effect and public procurement is opened up to competition.



Article 65

Green public procurement

1. Contracting authorities and contracting entities shall, in compliance with Directive 2014/24/EU or 2014/25/EU, award public contracts complying with the minimum requirements set out pursuant to paragraph 2 of this Article for the purchase of products covered by delegated acts adopted pursuant to Article 4, or for works or services where those products are used for activities constituting the subject matter of those contracts ('minimum requirements').
2. The minimum requirements shall be set where appropriate, in order to incentivise the supply of and demand for environmentally sustainable products covered by delegated acts adopted pursuant to Article 4, taking into account the value and volume of public contracts awarded for the relevant product groups and the economic feasibility for contracting authorities and contracting entities to buy more environmentally sustainable products without entailing disproportionate costs.
3. The Commission is empowered to set, by means of implementing acts, the minimum requirements in the form of technical specifications, award criteria, contract performance conditions or targets.



Article 5

Minimum procurement targets

1. Member States shall ensure that the procurement of vehicles and services referred to in Article 3 complies with the minimum procurement targets for clean light-duty vehicles set out in Table 3 of the Annex and for clean heavy-duty vehicles set out in Table 4 of the Annex. Those targets are expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the aggregate of all contracts referred to in Article 3, awarded between 2 August 2021 and 31 December 2025, for the first reference period, and between 1 January 2026 and 31 December 2030, for the second reference period.



Thank you!

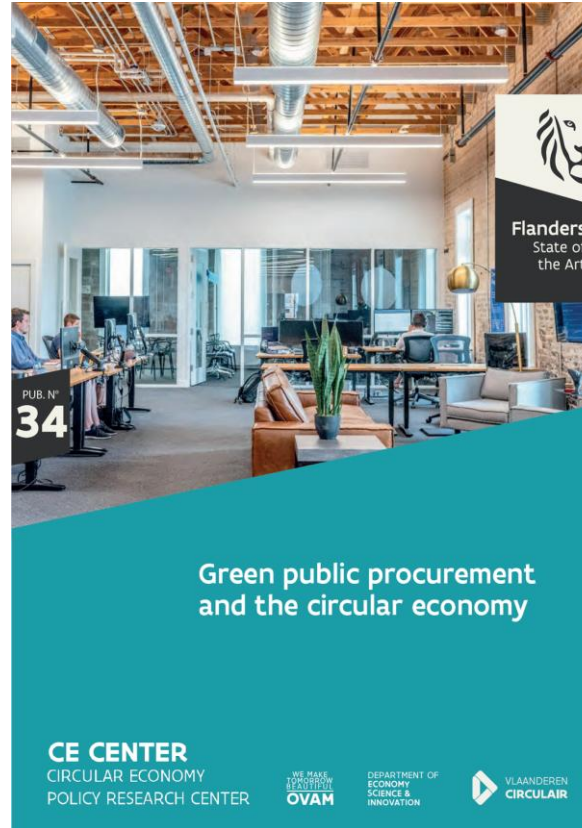
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Source: <https://ce-center.vlaanderen-circulair.be/nl/publicaties/publicatie-2/34-green-public-procurement-and-the-circular-economy>

Agenda



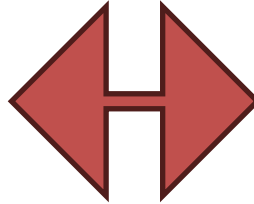
Agenda

Technical specifications

- 1.The European Directive
- 2.Italy
- 3.Spain

Award Criteria

- 1.The European Directive
- 2.The Netherlands
- 3.Belgium



Technical specifications



Technical specifications

Directive 2014/24/EU

- Art. 42 Directive 2014/24/EU
- *Must-haves*
- Specific conditions
- Room for circularity?



Technical specifications

Italy

D.M. 7.02.2023

Technical specifications:

- Plastic products are allowed if the plastic is at least 95% recycled;
- Products can be refurbished, prepared for reuse or new market entry;
- New market-entry products must bear eco-design features (durability, repairability, easy-to-remove parts and replaceable);
- The manufacturer must provide spare parts for products composed of multiple components for at least five years from the end of production of the specific product;
- Easily disassembled parts for reuse, recovery and recycling;
- Wooden products must be sourced sustainably;
- Plastic or plastic-wood products (swing seats, slides) must contain at least 60% recycled plastic;
- High recyclability rate of asphalt, steel products, and materials containing glass or stone components;



Technical specifications

Spain

- Specific State structure
- ➔ Scattered legislation
- Ambitious but less concrete than Italy
- *Comply or explain*



Award criteria



Award criteria

Directive 2014/24/EU

- Art. 67 Directive 2014/24/EU
- *Nice to haves*
- MEAT
- 3 options



Award criteria

The Netherlands

- Three options
- *Comply or explain*
- Most circular approach?



Belgium

- Three options
- Specific State Structure
 - Intra-Belgian platform
- GRO



Conclusions



Conclusions

Shift from 'how' to buy to 'what' to buy?



Thank you!

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