



EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

2011/2048(INI)

20.7.2011

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

on modernisation of public procurement
(2011/2048(INI))

Rapporteur: Åsa Westlund

PA_NonLeg

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

General aspects

1. Welcomes the fact that the Commission regards public procurement as an important component in the transition to a sustainable economy and achieving the targets of the EU 2020 Strategy; stresses the responsibility of Member States to ensure that public procurement policies support the work to reach these targets and welcomes the Commission's giving greater attention to the needs of small contracting authorities;
2. Notes that EU public sector consumption accounts annually for approximately 17 % of the EU's gross domestic product; reiterates the potential of the public authorities' purchasing power in promoting common goals, and underlines the importance of therefore making use of the possibility of including determinants other than price, such as environmental and social factors, in public procurement procedures; believes that harmful production and consumption patterns might be reduced through public procurement;
3. Welcomes the widespread desire of local, regional and national authorities to award contracts that support sustainable development, including resource and energy efficiency, wider use of renewable energies and combating climate change; notes that there is much evidence to show that the directive and its implementation are making this more difficult and that ambiguities in current public procurement rules have given rise to misunderstandings and differing interpretations relating to the inclusion of environmental sustainability criteria in contracts; underlines that the EU Treaties require legislation to be designed to foster, rather than inhibit or obstruct, the ability of Member States and local and regional authorities to promote environmental protection and sustainable development objectives;
4. Maintains that the Directives should encourage and explicitly allow contracting authorities to refer to horizontal policy objectives, such as sustainable development criteria, in the subject matters of tenders;
5. Advocates the inclusion of environmental considerations, as well as other relevant aspects contributing to sustainable development, in all relevant public procurement contracts; stresses that the Public Procurement Directive should be amended to make it clearer that it is both desirable and possible for contracting authorities to:
 - impose environmental conditions in the technical specifications and take account of environmental impact at the award stage,
 - impose social standards, for example in order to promote the integration of people with disabilities into the labour market, and safety at work standards,
 - impose welfare conditions for farm animals, as well as conditions for transport of live

animals where relevant,

- stipulate that the above conditions must likewise apply to subcontracting;
6. Is of the opinion that eco-label criteria developed for services should be prioritised; stresses that, when purchasing and hiring energy-using equipment, contracting authorities should use criteria equivalent to energy and eco-label standards for quantifying the overall energy savings;
 7. Notes in particular the need to clarify that it is possible to impose environmental, ecosystem, social and animal protection conditions which are stricter than the common EU rules; calls for an explicit statement in the directive that it does not prevent any country from complying with ILO Convention No 94, and stresses that effective functioning of green public procurement requires clear and unambiguous EU rules precisely defining the framework of Member States' legislation and implementation;
 8. Prefers to encourage and facilitate sustainable procurement by public operators rather than setting mandatory quotas; still considers that the greatest obstacle to more environmentally friendly public procurement is not so much a lack of willingness as unawareness of the possibilities and unclear and inflexible legislation;
 9. Calls on the EU institutions to use sustainability as a standard criterion in public procurement;
 10. Expresses its concern at the ineffective implementation of the EU's voluntary Green Public Procurement (GPP) instrument;

Life cycle

11. Firmly believes that the directive should be amended to make it clearer that it is both possible and desirable to take account of the environmental impact of the subject of the contract throughout its entire life cycle, including the whole production process and its conditions all through to consumption, in view of the statistics on wastage associated to upstream activities; in order to provide contracting authorities with appropriate information concerning the application of environmental and/or other sustainable aspects, the Commission should provide them with a methodology to calculate life-cycle costs;
12. Stresses that public authorities should be encouraged and advised to set environmental conditions for tenders from the outset and calls for the legislation to be amended to ensure that as a rule contracts are awarded on the basis of the most economically advantageous tender, including the entire life-cycle cost, taking into account the cost of environmental pollution where possible;
13. Stresses that taking greater account of the environment in public procurement creates much potential for savings, since it means taking greater account of the life-cycle cost;
14. Stresses how important it is for the Member States and the Commission to promote the development of international climate and environmental standards based on life-cycle thinking, thus both facilitating environmentally friendly procurement for the public sector

and making it easier for businesses to compete for contracts in different countries;

Relations with business

15. Emphasises that there should be a link between environmental criteria and the subject matter of the contract so as to avoid competition distortions and legal uncertainty, which would hinder certain enterprises, namely SMEs, from participating in public procurement procedures;
16. Stresses how important it is for Member States to involve SMEs and encourage them to apply for public procurement contracts; is of the opinion that innovative SMEs are likely to come up with new ways of addressing environmental considerations in public procurement;
17. Recommends that, if the item or service which is the subject of the procurement can be obtained locally, the procedure should, in line with the principle of proximity, be opened to local enterprises (primarily SMEs), thereby also reducing the environmental burden caused by the procurement (e.g. carbon dioxide emissions);
18. Stresses that it is possible, through public procurement and by subsidising environmentally friendly logistics solutions, to reduce the number of journeys, the need for transport by car, and CO₂ emissions;
19. Considers that the heightened concern regarding the environmental and climate impacts of products and activities requires reconsideration of the possibility of favouring local suppliers; in this context, calls for re-examination of the thresholds and considers that sustainability should prevail over a narrow interpretation of internal market rules;
20. Stresses the link between environmentally friendly procurement and the promotion of innovations; stresses that this is even clearer when one combines environmental conditions in technical specifications with giving higher scores at the award stage to tenders which meet certain cutting-edge environmental conditions and green solutions;

Procedural aspects

21. Considers post-audits and follow-ups of the fulfilment of the procurement very important; points out that contracting authorities should be able to impose penalties for failing to deliver on sustainable and/or environmental objectives in accordance with the criteria indicated in the tender, including in the case of subcontracting;
22. Firmly believes that increased use of the negotiated procedure would promote both innovation and sustainable solutions, provided that proper guarantees are in place in order to avoid any abuse;
23. Underlines the fact that whether or not a product or service has been sustainably produced is rightly considered as a characteristic of the product; points out that the scope for including requirements regarding the production process in the technical specifications for all types of contracts should be clarified in order to enable contracting authorities to control the environmental and social impact of contracts awarded by them;

24. Considers that the 'lowest price' award criterion should only be used if it can be justified on the grounds that environmental and/or other sustainability requirements are irrelevant to this specific case, or that strict environmental and/or social conditions have been imposed in the technical specifications; notes, however, that responsibility for the final decision should remain with the contracting entity;

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	13.7.2011
Result of final vote	+: 49 -: 0 0: 1
Members present for the final vote	Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Nessa Childers, Bairbre de Brún, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Julie Girling, Françoise Grossetête, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Klaß, Jo Leinen, Corinne Lepage, Peter Liese, Linda McAvan, Miroslav Ouzký, Antonyia Parvanova, Andres Perello Rodriguez, Sirpa Pietikäinen, Mario Pirillo, Pavel Poc, Vittorio Prodi, Frédérique Ries, Anna Rosbach, Dagmar Roth-Behrendt, Horst Schnellhardt, Richard Seeber, Salvatore Tatarella, Åsa Westlund, Glenis Willmott, Sabine Wils
Substitute(s) present for the final vote	Matthias Groote, Romana Jordan Cizelj, Riikka Manner, Marisa Matias, James Nicholson, Alojz Peterle, Michèle Rivasi, Crescenzo Rivellini, Giommara Uggias
Substitute(s) under Rule 187(2) present for the final vote	Lorenzo Fontana