

Comments of PU Europe on the Proposal for a Directive on public procurement COM(2011) 896 final

- PU Europe has taken note of the Commission proposal for the revision of the Public Procurement Directives and the working document prepared by Marc Tarabella MEP.
- PU Europe wishes to comment on Cluster 2 (strategic use of public procurement) of the working document.

Required changes in the Commission proposal:

- **The use of labels (Ecolabels etc.) should only be authorised for end-products. In the case of public works, labels should only be used for buildings as a whole and not for intermediate construction products.**
- **For the sustainability assessment of buildings, reference should be made to the CEN standards covering the environmental, economic and social performance of buildings.**

Commission proposal	PU Europe proposal
<p style="text-align: center;">Article 41- Labels</p> <p>1. Where contracting authorities lay down environmental, social or other characteristics of a works, service or supply in terms of performance or functional requirements as referred to in point (a) of Article 40(3) they may require that these works, services or supplies bear a specific label, provided that all of the following conditions are fulfilled:</p> <p>(a) the requirements for the label only concern characteristics which are linked to the subject-matter of the contract and are appropriate to define characteristics of the works, supplies or services that are the subject-matter of the contract;</p> <p>(b) the requirements for the label are drawn up on the basis of scientific information or based on other objectively verifiable and non-discriminatory criteria;</p> <p>...</p>	<p style="text-align: center;">Article 41- Labels</p> <p>1. Where contracting authorities lay down environmental, social or other characteristics of a works, service or supply in terms of performance or functional requirements as referred to in point (a) of Article 40(3) they may require that these works, services or supplies bear a specific label, provided that all of the following conditions are fulfilled:</p> <p>(a) the requirements for the label only concern characteristics which are linked to the subject-matter of the contract and are appropriate to define characteristics of the works, supplies or services that are the subject-matter of the contract. <u>Requirements may not be set for intermediate products;</u></p> <p>(b) the requirements for the label are drawn up on the basis of scientific information or based on other objectively verifiable and non-discriminatory criteria;</p> <p><u>(ba) Wherever available, requirements should be based on existing European standardised sets of indicators and performance data;</u></p> <p>...</p>

Commission proposal	PU Europe proposal
<p data-bbox="331 230 639 259">Article 67- Life-cycle costing</p> <p data-bbox="188 264 767 360">1. Life-cycle costing shall to the extent relevant cover the following costs over the life cycle of a product, service or works as defined in point (22) of Article 2:</p> <p data-bbox="188 383 762 510">(a) internal costs, including costs relating to acquisition, such as production costs, use, such as energy consumption, maintenance costs, and end of life, such as collection and recycling costs and</p> <p data-bbox="188 533 775 723">(b) external environmental costs directly linked to the life cycle, provided their monetary value can be determined and verified, which may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.</p> <p data-bbox="188 734 209 757">...</p> <p data-bbox="188 779 762 969">3. Whenever a common methodology for the calculation of life-cycle costs is adopted as part of a legislative act of the Union, including by delegated acts pursuant to sector specific legislation, it shall be applied where life-cycle costing is included in the award criteria referred to in Article 66(1).</p> <p data-bbox="188 981 209 1003">...</p>	<p data-bbox="954 230 1262 259">Article 67- Life-cycle costing</p> <p data-bbox="810 264 1390 360">1. Life-cycle costing shall to the extent relevant cover the following costs over the life cycle of a product, service or works as defined in point (22) of Article 2:</p> <p data-bbox="810 383 1385 510">(a) internal costs, including costs relating to acquisition, such as production costs, use, such as energy consumption, maintenance costs, and end of life, such as collection and recycling costs and</p> <p data-bbox="810 533 1398 723">(b) external environmental costs directly linked to the life cycle, provided their monetary value can be determined and verified, which may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.</p> <p data-bbox="810 734 831 757">...</p> <p data-bbox="810 779 1390 1003">3. Whenever a common methodology for the calculation of life-cycle costs is adopted as part of a legislative act of the Union, including by delegated acts pursuant to sector specific legislation, <u>or as part of a European technical specification</u> it shall be applied where life-cycle costing is included in the award criteria referred to in Article 66(1).</p> <p data-bbox="810 1014 831 1037">...</p>

Reasons:

- Whilst the EIP and, in fact, the whole construction products industry fully support the use of sustainability criteria in the procurement of buildings, the Commission proposal does not take into account existing European schemes and could therefore lead to significant confusion in the market.
- The European standardisation body CEN develops a set of standards to assess the sustainability of buildings. According to the commonly recognised definition for sustainability, the standards cover the environmental, economic and social performance of buildings.
- The environmental part is mandated by the European Commission and is based on so-called Environmental Product Declarations (EPD) through which manufacturers of construction products declare the environmental burdens of their products based on 22 indicators (including global warming potential, acidification potential, (non-) hazardous waste, (non-)renewable primary energy content etc.).
- EPDs must not be compared amongst themselves but be used as input data to assess the environmental performance of buildings. This approach was chosen, as the knowledge of environmental burdens per kilogram of intermediary construction products does not allow for conclusions on their performance in a given building design. Only when the building design is known, can one establish how much of a product is needed to meet certain design requirements (mechanical strength, thermal resistance etc.) and what are the knock-on effects of material choices on the whole building (thickness and weight of building elements etc.).
- One and the same product can be the best performer in one building design but perform poorly in another one. Ecolabels and similar labels for intermediary construction products do not necessarily lead to more sustainable buildings as they do not allow for this assessment at the building level.

- Industry is spending substantial amounts of money to provide quality EPDs. The environmental performance assessment based on EPDs is already supported by countries such as Belgium, France, Germany, the Netherlands and the United Kingdom. As the CEN standards will replace conflicting national standards during a transition period, all Member States will introduce them and most of them are expected to apply them in practice.¹
- The CEN standards will include a method for the assessment of the economic performance of buildings (life cycle costs). This method should be used for the procurement of buildings.
- The social pillar of the sustainability assessment comprises indicators such as accessibility, adaptability, indoor air quality, resistance to climate change, acoustic performance etc.). Again, an ecolabel for individual construction products could not guarantee adequate performance. The building design and the combinations of different products are decisive.

Brussels, 2nd April 2012

¹ It should be noted that sustainability assessments of buildings are still in their beginnings. To change this it is necessary to increase the number of quality EPDs, provide adequate software tools and train contracting authorities and architects.