



How to use GPP to incentive the EMAS implementation in ANDALUSIA

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JUNTA DE ANDALUCIA

CONSEJERÍA DE MEDIO AMBIENTE Y ORDENACIÓN DEL TERRITORIO

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1. Opportunities and barriers of using EMAS in GPP
2. What is allowed in GPP, what is not?
3. Possibilities for using EMAS criteria in technical specification, award criteria, contract, etc.
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Opportunities and barriers of using EMAS in GPP

BARRIERS: Why is not Andalusia doing it already?



- Lack of legal clarity in applying GPP criteria
- Lack of expertise in applying GPP criteria
- Lack of resources

- Limited awareness of benefits
- Lack of political support for GPP

- Fast evolving field for policy and practice
- Different procedures across EU making it difficult for bidders
- Limited knowledge on the potential of green products in the market

Opportunities and barriers of using EMAS in GPP

OPPORTUNITIES: What CMAOT can help to overcome it?

- Participation in **GPP4Growth** project in order to:
 - Analyze existing Policies, Plans and criteria for GPP in the key sectors.
 - To analyze the benefits, opportunities and possible obstacles in implementing GPP.
 - Support Public Administrations and Businesses to adopt lifecycle cost approaches on certain products related to the key sectors.
- Exchange practices and experiences on the benefits and methods for implementing GPP to promote green growth through Thematic Workshops during **ENHANCE** project.

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What is allowed in GPP, what is not?

Legislative acts

- Law 9/2017 & RD6/2018
- Law 18/2003 & DL 1/2010

Non-Legislative acts

- Guidelines
- Recommendations

Case Studies

- Judgments
- Success stories

HOW IS “GPP-using EMAS”
TRANSLATED INTO
ANDALUSIA?

*EMAS
NON as Award
Criteria*



1

EMAS linked to the
Subject of Contract

2

EMAS as
Technical Solvency Criterion

3

EMAS, ISO, Equivalent as
Environmental Accreditation

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Possibilities for using EMAS criteria in technical specification, award criteria, contract, etc.

PHASE I. PREPARATION OF CONTRACT

- **Definition of subject of contract:**
 - Analysis of needs – Market Consultation (art. 40 Directive 2014/24/EU)
 - Define sectors or contracts that must have environmental criteria (i.e. building sector, transport, energía, office supplies, cleaning services, etc.)
- **Technical Specifications:**
 - Identification of main environmental impacts (art. 117 TRLCSP and 42 Directive 24/2014/EU):
 - In terms of performance
 - By reference to technical specifications (european, national or international standards)
 - Use of Labels (art. 43 Directive 2014/24/EU)
 - Use of variants (art. 45 Directive 2014/24/EU)

Possibilities for using EMAS criteria in technical specification, award criteria, contract, etc.

PHASE II. REQUIREMENTS DEMANDED FOR THE OPERATORS

- **Prohibitions for contracting** (art. 57 Directive 2014/24/EU)
- **Technical Solvency** (art. 81 TRLCSP and art. 62 Directive 2014/24/EU)
 - Environmental Management Systems (EMAS, ISO14001 or EQUIVALENT)
 - Contrats subject to harmonized regulation or not?

Possibilities for using EMAS criteria in technical specification, award criteria, contract, etc.

PHASE III. AWARDING

- **Award criteria** (art. 67 Directive 2014/24/EU)
 - Be linked to the subject-matter of the contract
 - Do not confer an unrestricted freedom of choice on the contracting entity
 - Ensure genuine competition be known in advance
 - Be known in advance
- **Most economically advantageous tender** (art. 67 Directive 2014/24/EU)
 - It shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing in accordance with Article 68, and may include the **best price-quality ratio**, which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects, linked to the subject-matter of the public contract in question.
- **Abnormally low tenders** (art. 69 Directive 2014/24/EU)
 - Operators should explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, supplies or services. In particular relate to: d) Compliance with obligations referred to in article 18 (2);

Possibilities for using EMAS criteria in technical specification, award criteria, contract, etc.

PHASE IV. CONTRACT PERFORMANCE

- Demanding of sanctions or incentives
- Oversight
- Responsible subcontractors
- Do not entail any substantial modification of the contract

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More good examples



EMS LINKED TO THE SUBJECT-MATTER OF THE CONTRACT

- Contratación de centros de teletrabajo para cita previa en Centros de Salud, exigencia de un SGA según norma ISO 14001:
 - No guarda relación con el objeto (art. 62 TRLCSP)
 - Deben ser proporcionados y vinculados al objeto en aras principios de igualdad, concurrencia y no discriminación.
- Contrato de servicio de ayuda a domicilio:
 - No guarda relación con el objeto (art. 62 TRLCSP)

More good examples



EMS as TECHNICAL SOLVENCY CRITERION → NON as AWARD CRITERION

- La certificación medioambiental ISO 14000 debe configurarse como requisito de solvencia y no como criterio de adjudicación a valorar.

DETAILS OF TECHNICAL SOLVENCY CRITERION

- Obligación de concretar qué certificados o qué sistemas o normas concretas de calidad o gestión ambiental se exigen.
- Contrato de servicio de transporte regular de uso general de viajeros por carretera → anularon los pliegos por no prever la aportación de certificados equivalentes al exigido según la ISO 9001.

THANKS !!!



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Let's do it!

