

Sustainable procurement: The clothing-textile sector

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Is there a legal problem? Yes!

A survey revealed 103 sustainable public procurement initiatives launched by 26 EU Member States. A significant part of them is legal (35 percent).

(Final Report to the EU High-Level Group on CSR, Vienna, October 2007)

Secondary policies / purity principle

- According to the purity principle one purpose of public procurement regulation would be to establish a system that reduces as far as possible the insertion of non-economic criteria into the procurement process (definition by Sue Arrowsmith / Christopher McCrudden).

New Directives 2004/17 und 2004/18 EC

- For the first time in the history of the Community's procurement regime the new procurement Directives ... expressly include provisions specifically intended to deal with aspects of "green procurement."
(Peter Kunzlik)

Environmental technical specifications

- Art. 23 Directive 2004/18 Public Sector:
3. ... the technical specifications shall be formulated:
(b) ... in terms of performance or functional requirements; the latter may include environmental characteristics.

The tendency towards cheapest textile prices is not due to legal arguments



- Art. 53 Directive 2004/18 Public Sector:
 1. ... the criteria .. shall be either
 - (a) various criteria linked to the subject-matter of the public contract, for example, quality, price, technical merit, ...
 - (b) the lowest price only

Art. 26 Directive 2004/18 EC

- Contracting authorities may lay down special conditions relating to the performance of a contract, ... The conditions governing the performance of a contract may, in particular, concern social and environmental considerations.

Buying green! A handbook on environmental public procurement



- This handbook (issued by the European Commission in 2004) is designed to help public authorities successfully launch a green purchasing policy. ... It also gives many practical examples of green purchasing by public authorities across the EU.

Public Procurement Awarding Guide for the Clothing-Textile Sector, 2005

- The public contracting authorities often tend to appoint bidders according to purely financial considerations, by not sufficiently favouring/valueing the quality and the follow-up of the products in offer. With eco-labels it can easily be proved that bidders comply with the technical specifications.

Public Procurement Awarding Guide for the Clothing-Textile Sector (2)

- Whereas European industrialists had to satisfy the requirements (standards, certificates and qualifications), far more than 50 % of contracts were assigned to companies making their products in non-European Union countries. As the social and ecological restrictions were different, these companies were able to offer cheaper prices.

Public Procurement

Clothing-Textile Sector: The Swiss example

- As local suppliers and politicians do partly still not accept army uniforms being produced somewhere in Asia and not in Switzerland itself, the Ministry of Defence has a particular interest in being a model purchaser as far as social and environmental aspects are concerned.

Communication COM(2008)400 final

- Public procurement for a better environment: Common criteria have the advantage of avoiding market distortions and reduces competition which could arise as a result of differing national GPP criteria.
- Priority sectors: 6. Clothing, uniforms and other textiles

Communication COM(2009)215 final

- The role of Fair Trade and non-governmental trade-related sustainability assurance schemes:
- The Commission is currently working on publishing a ... guide on social public procurement.

Conclusions

- The balance between sustainability goals and EU economic law rules has been struck.
- Environmental criteria are easier to implement than social criteria.
- Nice documents are one thing, implementation is another.

Implementation Tools

- - green procurement strategy documents
- - guideline documents for practitioners
- - education (planning of a procedure / legal framework / market knowledge)
- - sharing best practice examples
- - green public procurement statistics
- - green public procurement controlling
- - label/awards for model public entities or communities

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