

Memorandum of Understanding

Between

***The General Secretariat of Natural Environment & Water, of The Ministry of
Environment and Energy,***

and

the Green Fund (GRFU)

and

***the European Union Network for the Implementation and Enforcement of
Environmental Law (IMPEL),***

**for the compliance with the Green Procurement (GP) rules in the framework of the LIFE
project “PREvent Of Waste crime by Intelligence Based InspectIons – PROWhIBIT”,
LIFE18 GIE/GR/000899**

1. Purpose

The purpose of this Memorandum of Understanding is to provide the framework between the partners of the LIFE project "PREvent Of Waste crime by Intelligence Based InspectIons – PROWhIBIT", namely the General Secretariat of Natural Environment & Water of the Ministry of Environment and Energy, the Green Fund (GRFU) and the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) regarding Green Public Procurement (GPP).

2. Definitions

GPP is defined in the Communication (COM (2008) 400) "Public procurement for a better environment" as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured."

Although GPP is a voluntary instrument, it has a key role to play in the EU's efforts to become a more resource-efficient economy. It can help stimulate a critical mass of demand for more sustainable goods and services which otherwise would be difficult to get onto the market. GPP is therefore a strong stimulus for eco-innovation. To be effective, GPP requires the inclusion of clear and verifiable environmental criteria for products and services in the public procurement process.

3. Legal Framework

As stated by European Commission (please refer to https://ec.europa.eu/environment/gpp/eu_public_directives_en.htm), on 26 February 2014, the Council of the European Union and the European Parliament adopted two directives aimed at simplifying public procurement procedures and making them more flexible. EU countries had until April 2016 to transpose the new rules into national law (except with regard to e-procurement where the deadline was October 2018).

The old directives (directive 2004/18/EC - the 'classical public sector directive' - and directive 2004/17/EC - the 'utilities directive') were replaced with the following:

- Directive 2014/24/EU on public procurement, and
- Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

In terms of GPP, the following sections of the directives are worth drawing attention to:

- Defining the requirements of a contract: Defining technical specifications is guided through Article 42 and Annex VII of Directive 2014/24/EU; and Article 60 and Annex VIII of Directive 2014/25/EU.
- Use of labels: Conditions for using labels are laid out in Article 43 of Directive 2014/24/EU; and Article 61 of Directive 2014/25/EU.
- Lowest price award and life-cycle costing (LCC): Awarding public contracts on the basis of the most economically advantageous tender is provided as part of Article 67 of Directive 2014/24/EU; and Article 82 of Directive 2014/25/EU.
- Innovation partnerships: Where a contracting authority wishes to purchase goods or services, which are not currently available on the market, it may establish an innovation partnership with one or more partners. This allows for the research and

development (R&D), piloting and subsequent purchase of a new product, service or work, by establishing a structured partnership. The procedure for establishing an innovation partnership is set out in Article 31 of Directive 2014/24/EU.

- Consulting the market: The procurement directives specifically allow for preliminary market consultation with suppliers in order to get advice, which may be used in the preparation of the procedure. Article 40 of Directive 2014/24/EU.

In Greece, the National Action Plan for Green Public Procurement (GPP), titled as “National Action Plan for Promoting Green Public Procurement 2021-2023”, was signed by the Minister of Development and Investments and the Minister of Environment and Energy in February 2021.

The general objectives of the “National Action Plan for Promoting Green Public Procurement 2021-2023” are the following:

- Establishment and implementation of an elementary level of adoption of green criteria in public procurement of products, services and works.
- The gradual increase in the supply of green products and the provision of green services in over the next three years in defined areas of goods, services and works.
- The broader integration of the cost estimate of the life cycle of a product in public contracts.
- Dissemination of the environmental and economic benefits of the GPP.
- The active involvement of relevant stakeholders in the GPP process.
- Monitoring the achievement of the goals and updating them for the best implementation of the Action Plan and its adaptation to national, European and international data in this field.

The Action Plan sets the binding environmental criteria for seven product categories (photocopy and printing paper, IT equipment, refrigeration and air conditioning equipment, lighting, lubricants and transport) and non-binding ones for eight product categories (furniture, textile products, products and services for maintenance of outdoor public spaces, sewage management infrastructure, electrical and electronic equipment in the healthcare sector, road construction design during construction and maintenance, office building design during construction and maintenance). It also defines percentage targets for the participation of the GPPs in relation to the total supplies of these products for the period of three years between 2021-2023, as well as specific quantitative and qualitative targets per product category over the same period of 3 years (three years 2021-2023).

4. Collaborative Goals for GPP

The Parties in this Memorandum of Understanding recognise the necessity of taking into consideration the GPP rules and therefore, respect the European and Greek legislative frameworks for GPP. They, also, contribute to reducing the environmental impact of the project, as well as promoting the adoption of such procedures in a great scale. They agree on having clear, verifiable, justifiable and ambitious environmental criteria for products and services, based on a life-cycle approach and scientific evidence base in order to:

- Allow public authorities to achieve environmental targets.
- Set an example to private consumers.
- Raise awareness of environmental issues.
- Improve quality of life.

- Help establish high environmental performance standards for products and services.
- Save money and resources when life-cycle costs are considered.
- Provide incentives to industry to innovate.
- Potentially reduce prices for environmental technologies.
- Demonstrate the public sector's commitment to environmental protection and to sustainable consumption and production.

5. Key Environmental Aspects and GPP Approach

The intention of the Parties on this MoU is to include green requirements in all public tenders and procurements within the LIFE project "PREvent Of Waste crime by Intelligence Based InspecTIons – PROWhIBIT" in order to reach a good balance between environmental performance, cost considerations, market availability and ease of verification in regard with at least the following procurement categories:

- Computer and monitors:
 - Purchase energy efficient models;
 - Purchase products with a restricted number of hazardous constituents and with a reduced potential for hazardous emissions upon disposal;
 - Design for durability, upgradeability and repairability;
 - Product life extension upon the end of its service life;
 - Design for dismantling and End-of-life management to maximise the recovery of resources; and
 - Guarantee and service agreements.
- Copying and graphic paper:
 - Procurement of paper based on post-consumer recovered paper fibres (recycled paper) or paper based on legally and/or sustainably harvested virgin fibre;
 - Procurement of paper produced through process characterised by low energy consumption and emissions; and
 - Avoidance of certain substances in paper production and bleaching and at least chlorine.
- Food Catering services and vending machines:
 - Selected approaches to minimise key environmental impacts during life cycle:
 - Organic food products;
 - More environmentally responsible marine and aquaculture food products;
 - Increased offer of plant-based menus;
 - Food and beverage waste prevention;
 - Minimisation of packaging material;
 - Other waste: prevention, sorting and disposal; and
- Imaging Equipment, consumables, and print services:
 - Purchase energy efficient imaging equipment;
 - Purchase services able to optimise the printing process., e.g. duplex printing, N-up printing;
 - Purchase products from tenderers implementing a restricted substances control of hazardous constituents;
 - Purchase products with limited indoor emissions from the use phase and a limited content of hazardous substances;

- Purchase products designed in a way that the key components can be repaired, i.e. spare parts availability for at least 3 years after purchase;
- Require end-of-life management practices to maximise the recovery of resources;
- Procure equipment able to use remanufactured consumables and recycled paper.
- Require that information be provided for green performance.

6. Effective Date and Duration

The terms of this MoU will become effective on the date of the last signature by the Parties and will remain in effect until the end of the project.

General Secretariat of Natural
Environment & Water, Ministry of
Environment and Energy

Green Fund (GRFU)

European Union Network
for the Implementation
and Enforcement of
Environmental Law
(IMPEL)

Konstantinos Aravossis,
Secretary General of Natural
Environment & Water, Hellenic
Republic Ministry of Environment &
Energy

Efstathios Stathopoulos,
President of the Green Fund

Kristina Rabe
IMPEL Chair