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Analysis of national policies on CSR,
in support of a structured exchange of information on national CSR policies and initiatives
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**Sustainable Public Procurement in Europe –
Summary of the case studies and conclusions**

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Introduction

The survey results on CSR awareness raising initiatives in the EU Member States were presented in the CSR HLG meeting on 7 May 2007. This handout summarises the results of the three case studies on the following CSR awareness raising initiatives (part II of the final report):

- Legal framework on SPP in France
- Strategies and action plans for SPP in the UK
- Guidelines for SPP/GPP in Austria

Moreover, it highlights some conclusions drawn from the survey and the case studies (part III of the final report).

The handout is an extract of the executive summary given in the final report “Sustainable Public Procurement in EU Member States: Overview of government initiatives and selected cases”. The final report will be available for download at the project website www.sustainability.eu/csr-policies soon.

Case studies

Case study 1: Legal framework on SPP in France

The first case study in part II of this report describes three key components of the legal SPP framework in France, namely the Public Procurement Contracts Code (PPCC, “Code des marchés publics”), the Ordinance No. 2005-649 and two respective circulars.

The PPCC provides general legal provisions for public procurement in France. Legally, it has the status of a decree, which is sufficient to define the public procurement rules for central state authorities, central administrative bodies and several local authorities. With the last amendment of the PPCC in 2006, SD objectives were included.

The second important legal text that includes provisions for SPP is the Ordinance 2005-649 that was issued on 9 June 2005. Having the status of a law, it complements the PPCC in its goal to offer legal provisions for including SD in public procurement processes by targeting public institutions with a commercial purpose.

The third important instrument of the legal SPP framework in France are circulars. They are used to specify the general provisions laid out in the legal texts and usually include practical advice and recommendations for the public sector on how to implement them. Currently, two circulars are directly related to SPP (on wood products and energy efficiency).

The case study reveals that the EU procurement directives and the “Charter for the Environment”, an annex to the French Constitution, were two important driving forces for including SD prominently in the general procurement laws. As a key challenge to SPP, the interviewees mentioned that legal provisions on SPP were not sufficient because they did not build capacities among public procurers, capacities that are necessary to implement them.

Case study 2: Strategies and action plans for SPP in the UK

The UK was chosen as a case study because it has in place a comprehensive strategic framework on SPP. The UK’s national SD strategy sets the goal that the UK should be one of the leaders in SPP within the EU by 2009. The main strategies and action plans that aim to deliver this ambitious goal are the “UK Government Sustainable Procurement Action Plan”, the strategy document “Transforming Government Procurement” and the SD Action Plans of individual government departments.

Informed by a report by the business-led Sustainable Procurement Task Force and responding to the European Commission’s communication on integrated production policy, the “UK Government Sustainable Procurement Action Plan” (SPAP) has been issued in March 2007. It is an overarching action plan which describes actions to be undertaken collectively by the central government and its departments. The SPAP is the key tool to assure that the UK will lead in SPP by 2009.

The strategy document “Transforming Government Procurement”, issued by HM Treasury, focuses on building capacity and capability among procurement professionals and must be seen in close context of the SPAP. The document comprises two parts: Part one on ‘setting the scene’ offers an overview of general public procurement and the challenges to include SD as well as mapping out new structures for the Office of Government Commerce (OGC). Part two outlines how the SPP vision can be delivered through increased capacities.

The UK’s national SD strategy also includes the commitment that each government department will draw up its own departmental SD action plan by the end of 2005. These action plans specify what individual departments will do to deliver the national SD strategy, including efforts for SPP.

The interviewees emphasised that involving different stakeholders (including businesses) is a crucial success factor for strategic SPP approaches. They also noted that action plans can only deliver if they are backed by high-level political commitment, and they succeed in building capacities for SPP among procurers.

Case study 3: Guidelines for SPP/GPP in Austria

Since the lack of capacities and knowledge is one of the key challenges of SPP, informational instruments such as guidelines are regarded as important means to overcome them. Austria has developed a number of guidelines for GPP in recent years, such as the General Government Guidelines on GPP, the criteria catalogue “Check it” and the guidelines on “Greening Events”. These guidelines are at the focus of the third case study.

The “General Government Guidelines on GPP” inform public authorities on environmental issues in public procurement. The first version was developed in 1998, following the OECD

recommendations on “improving the environmental performance of government”. Due to developments on the international and national level, the General Guidelines were updated and revised in 2004.

The criteria catalogue “Check it” was published in 2001 and provides environmental information for various products, services and systems. “Check it” comprises 11 modules in which public authorities receive background and legal information, recommendations and suggestions on how to formulate tender specifications. Additionally, planning and evaluation instruments are defined in order to support public authorities when integrating ecological issues in the purchasing process.

The guidelines “Greening Events”, published in 2005, were developed specifically for the organisation of events during the Austrian EU Presidency in the first half of 2006. They offer advice on how to organise socially and environmentally friendly events at low costs.

The case study on GPP guidelines in Austria shows that guidelines are an important tool to build awareness and capacities for GPP/SPP, but that the key challenge is to make them as simple and practical as possible by involving different stakeholders, including procurers themselves, so that they really use them.

Synthesis and conclusions

By synthesising the findings of the survey and the case studies, part III of the report draws the following conclusions:

- Legal provisions, action plans and guidelines/websites on SPP are complementary instruments that have developed into a standard set of SPP policy-making across the EU in recent years.
- The fact that CSR policies in general are comparatively weakly developed in Central and Eastern European (CEE) countries (for CSR awareness raising initiatives, see Berger et al 2007) applies also to SPP policies in particular.
- To gain a clear understanding of the effectiveness of various SPP policy instruments, governments (or future research) should assess them regarding their influence on procurement decisions.
- SPP allows governments to implement their commitment to SD in their own domain, ideally leveraging considerable effects on overall production and consumption patterns. However, because SD is mainly concerned with integrating economic, environmental *and* social issues, the scope of SPP (and respective initiatives) should reflect all three dimensions of SD.
- SPP initiatives should not avoid but pro-actively use the value for money argument for their own purposes. It should be made clear that governments should take the full range of economic, social and environmental costs and benefits of public procurement into account.
- Laws and Action Plans are key elements of a comprehensive SPP policy. However, if public procurers are not educated and trained to implement them (respectively the initiatives defined in the Action Plans), their effectiveness may be impaired severely. Thus, building respective capacities and capabilities for SPP among public procurers is important to make a difference on the ground.
- Building capacities for SPP requires that respective initiatives address the needs and concerns of public procurers to help them change their practices (see also the key success factors below).
- SPP policies (and its most comprehensive instruments, such as Action Plans) should be concerned not only with the launch of individual instruments, but also with

preparing the ground for their success, for example, by addressing possible obstacles, securing high-level political commitment, facilitating stakeholder involvement and, consequently, bottom-up ownership.

- Since several interviewees have emphasised that in particular European policies, but also some regions and/or municipalities are leading in SPP, it seems that respective national initiatives are often driven both bottom-up and top-down (“sandwich-structure”).