

“The biobased office” for the procurement of the future

The German Agency for Renewable Resources promotes a viable sustainable procurement.

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German law lacks a legal basis for sustainable public procurement. Legislation requiring resource and environmental considerations to be taken into account when purchasing goods and services for the public sector has not yet been put in place.

Hence, the implementation of sustainable public procurement in Germany has been patchy in many aspects, a fact that is also reflected in the development of a recognized environmental label. It would therefore be helpful first to formulate significant sustainability criteria and thus to gain experience with public procurement and, at the same time, to gradually develop a sustainable procurement culture. That would also give producers the opportunity to adopt a goal-oriented perspective. However, many public authorities are struggling with such an approach.

Clearly, sustainable procurement is a new approach – and it is one that involves more effort, as information will have to be collected, old and familiar procurement habits abandoned and market availability studied. However, the single most important reason for the slow progress in this area is the lack of encouragement and support from decision makers.

Of course there are good examples as well, such as that of Berlin. Berlin not only has administrative regulations providing for the implementation of environmental protection requirements in the procurement of goods, works and services [1], but has also developed specific minimum requirements for many product groups, which serve as practical procurement guides. Another positive sign was the recent publication from the Öko-Institute of a study showing the financial savings and environmental benefits potentially resulting from the implementation of environmentally-friendly procurement processes.

The Agency for Renewable Resources (Fachagentur Nachhaltige Rohstoffe, FNR) also encourages environmentally friendly procurement. On behalf of the Federal Ministry for Food and Agriculture (BMEL), a project called the “Use of biobased products in public procurement” was established at the FNR in 2010. The project aims to promote environmental and natural resource stewardship, as well as to enhance the security of the resource supply by fostering the use of biobased products. Public institutions, in their role as pioneers, could leverage their purchasing

The bio-based office



power to further advance the use of biobased products. This commitment to biobased products is also reflected in the EU-financed projects of the FNR.

The biobased office

The FNR project entitled "Use of biobased products in public procurement" is currently touring Germany with a model of a *biobased office* serving as an exhibition booth. Tour schedule: <http://www.das-nachwachsende-buero.de/service/tourenplan/>

The booth showcases the products with which a biobased, environmentally-friendly office setting can be created. Given the 17 million office workspaces in Germany alone, the use of biobased office products offers enormous potential for a reduction of CO₂ emissions.

Nearly 100 biobased products, ranging from office furniture to office design and furnishings can be viewed and touched at the fully accessible, 12 m² exhibition booth. The selection of bioplastic products featured have been made available by a variety of companies, both large and small. The entire range of products featured in the exhibition booth, and the companies producing these, are listed in a complimentary brochure, but can also be found on: www.das-nachwachsende-buero.de.

Sustainability in procurement law and procurement processes of biobased products

Plastics play a major role in office equipment. In addition to a growing use of recycled plastic materials, products made from biobased materials are also on the rise. According to public procurement law, it may be necessary to substantiate and submit proof of the sustainability claims of biobased plastics (e.g. the environmental benefits of the product).

Implementation of the European public procurement directives will require an overhaul of public procurement law and the strengthening of sustainable and innovative procurement practices. Following the incorporation of these directives into German law in April 2016, it should be easier for public procurers to write tenders with sustainable (environmental, social and innovative) requirements, which relate to:

- the terms of references / technical specifications
- the qualification / selection criteria
- the contract / award criteria
- requirements for the implementation of a contract

as long as there is an objective connection with the contract at hand.

Proof of the required properties can be provided by an overall reference to a recognized label or certificate. Moreover, e-procurement will be the standard procedure.

However, for the heterogeneous group of manufacturers of biobased products – mainly made up of SMEs – such certifications and e-procurement requirements pose a serious impediment to doing business with public procurers. Another problem is the wide use of framework agreements, which make it difficult for SMEs to participate. Hence, SMEs are more likely to opt for direct award procedures with volumes below the € 10.000 threshold.

With sales figures like these, however, no real market breakthrough, of the kind envisioned by the "bioeconomy" policy strategy, is possible. ▶



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Office materials made of biobased plastic

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The *Blauer Engel* is highly accepted in Germany

Environmentally-friendly procurement in Germany is strongly influenced by the ecolabel *Blauer Engel* (Blue Angel). The label is highly accepted among public procurers in Germany. The *Blauer Engel* was explicitly introduced as an environmental policy instrument by the state, which contributed to its credibility. Most product certifications, however, are based on energy saving and energy efficiency. Biobased plastics, can currently not be certified under the *Blauer Engel*. However, this may change in the near future, as a result of an ongoing study commissioned by the Federal Environment Agency, which is examining this issue.

While the "Blauer Engel" is a respected national eco-label, the question is, what are the possibilities for certification available to businesses in the international market?

In the EU, biobased plastics can be certified under the Vincotte/biobased certification system. However, this solely applies to the biobased content of a product, not to its sustainability. The Vincotte / compost certificate is not likely to play a role in the field of office supplies. Not many authorities will want to compost their biobased plastic stapler.



Blauer Engel

Raw materials associations and the different countries of origin complicate the verification process. A step in the right direction would be to establish criteria to determine the sustainability of individual commodities, which could then be granted a corresponding recognized quality label. A certification system of this kind would at least provide insight into the predominant raw material content (e.g. wood). The hurdles to sustainable procurement are particularly high at this point. No conventional product carries such a high burden of proof.

Sustainable procurement requires creativity and dialogue

Life cycle costs or life cycle assessments are also playing an increasingly important role in the sustainability assessment carried out as part of the process of evaluation and awarding of contracts. However, the difficulty is knowing how to go about a life cycle assessment of a granulate that is based on raw materials derived from different origins. Moreover, such calculations will mean very little in the case of office accessories. Nevertheless, these are questions that need to

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be raised and addressed by the biobased sector, together with the decision makers in public procurement.

What are other possibilities for biobased plastics in public procurement?

Procurement law not only defines the *what*, but also the *how* of purchasing. One possibility would be to require the use of products or materials designated as *biobased* or *from renewable resources* in the specifications. The invitation to tender can state clearly and transparently that this requirement constitutes an award criterion, to which a particular weighting has been assigned.

Relating resource security to the award of a procurement contract is slightly more complicated, as resource security is understood to refer not only to the finite supply of fossil fuels, but also to the dependency on imports. This makes establishing an objective connection somewhat more difficult.

Security of supply is an important building block for the realization of a biobased economy. The same goes for the widely documented CO₂ savings over the lifetime of a biobased product. Both aspects are difficult to prove, even when using eco-labels as proof for awarding a contract.

At this point, general societal responsibility in public procurement will take the form of promoting an open and creative dialogue between producers and public procurers, with a view to achieving an effective breakthrough of biobased products in the market.

Nevertheless, this does not excuse the sector from thinking about how a scientifically proven, independent and transparent and possibly globally applicable certification scheme or label could be launched.

On the other hand, the tax-financed public sector has a duty to use the opportunities created by procurement law to support societal goals such as energy and resource security or climate protection measures for the benefit of the general public.

The Agency for Renewable Resources, with its "Use of biobased products in public procurement" project, is open for a dialogue concerning the procurement of biobased products.

The FNR is also involved in Europe-wide projects on biobased products and services in public procurement with the EU projects InnProBio "Forum for Bio-Based Innovation in Public Procurement" and OpenBio "Opening bio-based markets via standards, labelling and procurement".

[1] Verwaltungsvorschrift für die Anwendung von Umweltschutzanforderungen bei der Beschaffung von Liefer-, Bau- und Dienstleistungen - VwVBU

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