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Re: Public Consultation on the Draft Green Public Procurement Strategy and Action Plan

Dear Brian,

The Environmental Protection Agency (EPA) welcomes the development of the Green Public Procurement (GPP) Strategy and Action Plan (hereafter the Plan), replacing *Green Tenders – An Action Plan on Green Public Procurement (2012)*.

The public sector has a vital role to play in leading Ireland’s transition to a sustainable and carbon-neutral economy and society. Public procurement is one of the primary ways in which public bodies can show leadership and drive change, helping Ireland meet its legislative targets for reducing CO₂e emissions, our UN Sustainable Development Goal commitments and support the transition to a circular economy.

The EPA’s Strategic Plan 2022 – 2026 commits to promoting the transition to sustainable production and consumption so that by 2026 “Practices with a reduced environmental impact will be key considerations in all public sector procurement through Green Public Procurement”. This outcome will be supported by our evidence, engagement and regulatory activities.

The EPA brings its experience of supporting GPP implementation to this submission, primarily through the work of the Circular Economy Programme, where activities have included:

- publication of GPP guidance and national criteria sets;
- annual reporting on GPP implementation by Government Departments;
- developing and delivering training for public sector bodies (2020 – 2023); and training supports for suppliers;
- hosting a ‘GPP in Practice’ event;
- participation in the environmental subgroup of the national Strategic Procurement Advisory Group.

Work is currently underway to update the 2021 GPP guidance and ten criteria sets in line with any updates to legislation, policy or EU GPP criteria, and to develop a new national criteria set on furniture. There is therefore an opportunity to consider some of the points made in the draft Plan (such as guidance on the application of GPP relating to the Whole of Government Circular Economy Strategy) into the documents before they are finalised.

GPP implementation is also supported through EPA Research. The 2021 call (under the thematic hub 'Facilitating a Green and Circular Economy') included GPP as a topic area, and there are two research projects led by the University of Galway¹ currently underway.

Over the period of the Plan, the EPA's roles should cover the following:

- review of GPP guidance and national criteria sets where required (due to legislative or policy changes)
- development of new national criteria sets where appropriate;
- annual reporting on GPP implementation by Government Departments;
- supporting the development of reporting systems for other public bodies and commercial semi-state bodies;
- hosting 'GPP in Practice' showcase events and publishing case studies;
- delivering in collaboration with other key stakeholders, like the OGP, a market impact study on the value (economic and environmental) of green procurement for an identified priority sector/product or service (as per the national criteria);
- GPP topic calls under EPA Research, where need for academic research is identified;
- participation in the Taskforce for the implementation of the Strategy and Action Plan.

Please find attached responses to the consultation questions. We are happy to discuss any of the points raised in this submission in more detail and would be happy to contribute further as the Plan is finalised.

Yours sincerely



Warren Phelan
Programme Manager
Circular Economy Programme

¹ 2021-GCE-1039 Opportunities for GPP to improve implementation of Circular Practice.
2021-GCE-1066 Identification of Effective State-of-the-Art GPP Policy and Practice for the Public Sector.

Draft Green Public Procurement Strategy and Action Plan

Public Consultation Questions

Q1 Do you think the approach as detailed in the draft Green Public Procurement Strategy and Action Plan will significantly increase Green Public Procurement across the Public Sector?

This draft Plan has the potential to increase Green Public Procurement across the public sector, but whether it will significantly increase GPP and have impact (in relation to climate and circular economy ambitions) will depend on monitoring and reporting on GPP implementation.

The draft Plan doesn't yet include details on lead and supporting organisations for actions, or timelines for delivery. Getting commitment from the assigned lead and supporting organisations prior to finalising the Plan will be critical to its successful implementation.

It's welcomed that the draft Plan proposes introducing GPP implementation reporting by all public sector bodies on a phased basis, as the only information currently available is GPP implementation by the eighteen Government Departments (number and value of overall contracts over threshold incorporating GPP). The EPA's reports on GPP implementation by Government Departments show a low level of implementation. In 2021, green criteria were incorporated in 37% of the spend reported, representing 30% of the number of contracts for the ten 'priority' sectors for which national GPP criteria sets are published. At a minimum public sector bodies should be incorporating green criteria in the procurement of goods & services for which there are published national criteria sets.

The draft Plan envisages that OGP 'will lead and coordinate implementation of public sector reporting on its use of GPP, including establishing the appropriate mechanism for capturing GPP data and reporting on GPP implementation.' A review and analysis of the data captured through e-forms with OGP and DECC would be welcomed, to consider how the data compares to what is currently reported by Government Departments, and what quantitative and qualitative data would be most useful to capture and report in the future. The independent verification and reporting of green purchasing data also needs consideration.

The draft Plan introduces four general principles to be adhered to by all public bodies that are using public funds as part of their procurement process. Principle 1 is important as a first step, the needs assessment to avoid unnecessary purchases and consider options to purchase fewer or better value goods or services or consider sharing or reuse options. The introduction of 'minimum sustainability/environmental criteria' (Principle 2c) where no national, EU GPP criteria or other guidance for the goods, services or works being procured are available would serve to address the situation, for example for professional services, where there is significant public body procurement spend but no national criteria set. The environmental impact of introducing the 'minimum sustainability/environmental criteria' however would be difficult to monitor and would need to be specific to what is being procured. Therefore in relation to the Comply or Explain principle (GPP Principle 3) it's recommended that future reporting focusses on Principle 2a (where there are national GPP criteria available). These national criteria sets are developed on the basis of public sector spend and associated environmental impact, the availability and suitability of criteria at EU level and importantly because of their potential impact and contribution to Ireland's emission reduction, energy-efficiency and waste targets.

Q2 Are there any other key aspects or actions that could be effective in implementing Green Public Procurement and that you think should be considered for inclusion in the Green Public Procurement Strategy and Action Plan?

Developing National GPP Criteria

The Climate Action Plans and the associated mandates/frameworks for public bodies and commercial semi-state are key drivers for GPP implementation. It's recommended that the requirements for monitoring progress by public bodies, local authorities, the school sector and commercial semi-state (where relating to procurement using public funds) are aligned as far as possible to avoid duplication of work on developing guidance and reporting templates. This will also support a common approach to national reporting on GPP implementation.

The Plan should be clear that the EPA guidance and criteria sets (and the aligned OGP GPP Criteria Search tool) are the definitive resources for green criteria for public sector procurers & specifiers. Any green criteria that are developed, and required by the State to be applied nationally, need to become part of the national criteria set. It's recommended that a notification and approval process be set up, perhaps through notification to the Taskforce for the Implementation of the Plan as a first step. There may also be examples of green criteria applied by public bodies which are not reflected in national criteria sets, and an action to explore mechanisms to capture this best practice to inform national criteria would be welcomed.

The EPA criteria sets and the OGP GPP Criteria Search tool need to keep aligned if and when revisions are made.

Show Casing Good Practices

Under Action 43 the EPA is assigned a role in hosting GPP best practice show case events. The EPA's inaugural 'GPP in Practice' event in November 2023 will provide learnings for future events.

The EPA plans to publish the case studies presented as a resource to support GPP implementation; this activity could be added into Action 43.

Governance

Section 14 states that the Minister for the Environment, Climate and Communications will report annually on the implementation of the Plan. With DPER/OGP as the lead for SDG 12.7², consideration could be given to mirroring the approach in the National Food Waste Prevention Roadmap (which sets out DECC and DAFM roles & responsibilities for food waste prevention) with the GPP Plan setting out DECC and DPER roles & responsibilities for GPP implementation.

Monitoring of EU Green Deal GPP activities (referenced on page 14) during the period of the Plan is important given the EU Green Deal commitments. For example, under the Framework for a Sustainable Food System (which is part of the European Farm to Fork strategy), the Commission is

² [DCCAE - The Sustainable Development Goals National Implementation Plan 2018-2020 - 32f9bdd2aae2464caae37760edd1da04.pdf \(www.gov.ie\)](https://www.gov.ie/publications-and-statements/publication/DCCAE-The-Sustainable-Development-Goals-National-Implementation-Plan-2018-2020-32f9bdd2aae2464caae37760edd1da04.pdf)

considering minimum mandatory criteria for sustainable public procurement for food, catering services and vending machines. As the Plan is for the period to 2027, the Task Force should consider amending or adding actions during the timeframe of the Plan to reflect changes to EU or national policy, plans or legislation.

Q3 In terms of the sectoral/product targets included in the draft Green Public Procurement Strategy and Action Plan, do you have any views in relation to the targets, the ambition level, and a timeframe for target achievement?

Section 1.3 (page 7) references the sectors where public bodies command a significant share of the market, i.e. public transport, construction, health services & education. Consideration should be given to including GPP targets for all these sectors given the potential for impact. If there are data available on the goods, services & works procured by these sectors that contribute to this share it could inform the sectoral/product targets and potentially identify gaps in national criteria sets.

In terms of the targets, it is difficult to set targets without a baseline and it is essential that there are data/information and reporting systems available to monitor progress. All proposed targets need to be reviewed taking this into consideration.

In relation to the sectoral target under the Built Environment heading, it's recommended that

- There is a proposed target for office buildings, as currently this is the only building type for which there are national criteria available.
- There is a separate target relating to use of green criteria to support the decarbonisation of cement. DETE's study, Green Public Procurement for Cement and Concrete In Ireland, includes specific recommendations and targets relating to the green procurement of cement and these should be included in the national plan.

It is suggested that the design of the current target is reconsidered as construction materials data may not be available centrally to support regular tracking and measurement. It's not clear if data is available to OGP or other central purchasing bodies on materials under the Capital Works Management Framework (CWMF) that could be considered for developing a baseline and setting a future target. If data on materials is limited, can a sectoral target for the built environment be linked to the project development stages as defined under the CWMF (commercial semi state companies have similar project management structures for construction projects). In the project close stage, stage 4 of the CWMF, there is a requirement to report to Government on project spend. There may be an opportunity at this stage to include a requirement to report on the application and impact of green criteria as part of the overall project.

To note, the Irish Green Building Council have published a handbook on 'Implementation of Circularity, Whole Life Carbon and Life Cycle Costing in Public Procurement Projects'³ which introduces some key green indicators (aligned to LEVEL(s) which should be applied within the procurement of public construction projects. It also sets out the appropriate level of assessment and how to apply the indicators at each of stage of the CWMF (including reporting of data in stage 4 review). This handbook

³ [Implementation of Circularity, WLC and LCC in Public Construction Projects - Irish Green Building Council \(igbc.ie\)](https://www.igbc.ie/implementation-of-circularity-wlc-and-lcc-in-public-construction-projects)

and its recommendations may be useful in considering how GPP implementation could be reported on in public contract processes.

In relation to sectoral target T2 (target on food procurement), can it be clarified if this relates to food directly procured by public sector bodies and/or procured via contractors (e.g. canteen services, events)?

In relation to sectoral target 8 there are references to products at end of life. Note that if these are discarded by the holder as waste, re-use is not an option (non-waste activity), but preparing for reuse (waste activity) would be.

Q4 Are there any other sectoral/product targets related to Green Public Procurement that you think should be considered for inclusion in the Green Public Procurement Strategy and Action Plan?

Where published national GPP criteria sets are available, it is recommended that there is a target that 100% of procurement should include at minimum core criteria, which are designed to be used with minimal additional verification effort or cost increases. If there was potential to report (through e-forms or other) as to whether core or comprehensive criteria have been incorporated in procurement, and at what point in the procurement phase green criteria have been incorporated, this would be useful to monitor for impactful GPP and should be considered for any future monitoring and reporting framework.

The EPA is developing a national partnership to support and scale reuse and repair in Ireland. Its initial focus will be on supporting reuse and repair by consumers, but there are opportunities to support reuse and repair practices in procurement by the public sector. A new national criteria set for furniture which is currently under development led by the EPA is seeking to introduce opportunities for reuse and repair. It is recommended that there is an action to consider the potential for reuse and repair when developing new central frameworks, or revising existing frameworks.

Community Resources Network Ireland, a representative body for community based reuse, repair and recycling organisations has produced a Green and Social Procurement virtual trade fair⁴ which showcases the goods and services of their approx. 50 members. Many enterprises providing reuse and repair services in Ireland are social enterprises or micro-enterprises. In terms of building a circular economy, it's vital to support these enterprises. Providing opportunities for social and micro-enterprises to engage with GPP is an important aspect to be considered in the Plan.

Q5 Have you any other comments or feedback on the content of the draft Green Public Procurement Strategy and Action Plan?

The following are suggestions relating to the structure and information provided within the Plan:

- Consider moving much of the detail on the policy framework, governance and legislative context to an appendix or appendices (similar to the approach taken in Ireland's National Food Waste Prevention Roadmap).
- A "Where are we now?" section would be useful to set the context for the situation on GPP policy and implementation at the time of publication of the Plan, given that it extends to 2027.

⁴ [CRNI Trade Fair \(virtualeventspace.io\)](https://virtualeventspace.io)

- Consider bringing the text under Section 1.3 (page 8/9) referencing the objectives of the Plan, and its scope, up front within the introduction.
- Section 2.1 (page 9) references that OGP, together with Health, Defence, Education and Local Government sectors has responsibility for sourcing common goods and services on behalf of the public service. Information on the categories of expenditure and the core roles & responsibilities of each of the Central Purchasing Bodies would be helpful for the reader (as a table within the document or as an appendix). A graphic setting out the bodies responsible for the implementation of the national public procurement policy framework would be helpful. Including information on the role of the EPA in supporting GPP implementation would be welcomed here too.
- Section 2.1 (page 10) references ‘a centralised model of procurement for sixteen categories of spending’. It’s recommended that these categories are referenced within the text or as a footnote for information of the reader.
- Section 2.1 (page 10) references that by the end of 2022, 156 out of the current 244 arrangements were updated in line with GPP policy. Can this be further described, what is included in scope for updating in line with policy?
- Section 9.1.2 GPP Queries – include a link to the OGP helpdesk as a reference.
- Action A7 “DECC to develop guidance on the application of GPP criteria relating to the circular economy and the Whole of Government Circular Economy Strategy.” This action needs clarification – will it be separate guidance to the EPA’s guidance? Could this be incorporated into the EPA guidance?
- Action 12 references the EPA updating the existing GPP guidance and criteria sets, and includes that ‘Further guidance to be developed on the principles of proportionality and equal treatment in the application of GPP criteria.’ It isn’t clear whether this is separate guidance or to be incorporated within existing guidance and would need to be clarified.
- Action 13 relates to the EPA developing new national GPP criteria. Suggest that the criteria to be developed is left more open e.g. “New national GPP criteria to be developed by the EPA, taking into consideration existing EU GPP criteria which are not published as national criteria and other considerations such as priority focus for national GPP, climate and circular economy policy.” The EPA requires the support of the OGP, central purchasing bodies and other public bodies with experience of the procurement of those particular goods & services when revising/developing guidance and criteria – this generally takes the form of a consultation process and should be recognised with the Plan.
- Linked to Action A22 there needs to be an activity to notify OGP, Central Purchasing Bodies and the EPA where any green criteria are developed, so that relevant guidance/criteria sets can be updated.
- Action 37. To clarify reporting timelines, EPA will publish annual report on GPP implementation by Government Departments in 2023 (for 2022 reference data), in 2024 (for 2023 reference year data) and so on.
- Action 47 refers to the EPA carrying out market research to identify new categories of supplies and services where GPP criteria can be developed. To consider whether the EPA is best placed to carry out this research over the OGP and the central purchasing bodies, given their oversight of procurement needs from public bodies.
- Action A49 under ‘Research and Innovation’ refers to the EPA developing baseline data on GPP impacts and establishment of ongoing analysis and reporting on impacts of GPP implementation in Ireland. It is agreed that gathering baseline data on impacts and ongoing analysis and reporting of impacts is an important reporting need. It is suggested a market

impact/economic report is more appropriate (rather than an academic research project as would be funded under EPA research). It is recommended that the initial action is to develop and agree a mechanism for collection and reporting on impact data. This action would need input from multiple stakeholders including the OGP and other central purchasing bodies, DECC, EPA and procurement experts.

ENDS