

Sustainable Public Procurement-fiche :advanced

1) Subject matter

Environmental friendly laundry detergents for household use

“For <.....> (name of the public authority), the care for the environment and social aspects is important. It is stated in her <strategic policies>, <mission>, <vision>, <procurement policy>, ...”

2) Exclusion criteria

Non compliance with environmental and social legislation, which has been the subject of a final judgment or a decision having equivalent effect, may be considered an offence concerning the professional conduct of the economic operator concerned or grave misconduct, permitting to exclude the party concerned from competing for the contract

Ref:

Art. 53 and 54 of Directive 2004/17/EC and Art. 45 of Directive 2004/18/EC

3) Technical capacity (not exclusive)

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4) Technical specifications

Chemical substances:

- No ingredient (substance or preparation) shall be included in the product in a quantity that exceeds 0.01% by weight of the final product that is classified with any of the risk phrases, or combinations thereof, as outlined in the following table in accordance with Directive 67/548/EEC and its amendments or Directive 1999/45/EC and its amendments. These criteria do not apply to biocides, which are dealt with separately below: R40, R45, R49, R46, R68,R60, R61, R62, R63 (see annex) [EU toolkit core criteria]



- The product may contain only limited quantities of substances classified as environmentally harmful, as follows:

$\Sigma R50/53 + R51/53 < 0.015$ g/kg wash (see also annex) [EU toolkit core criteria]

-The product must not contain substances classified as sensitising with R43.

- Enzymes are exempted from this requirement;

- Fragrance substances are exempted from this requirement,

- Bleaching agent activators in “cold-water” products are exempted from this requirement, (see also annex) [EU toolkit core criteria]

- The following ingredients shall not be included in the product, either as part of the formulation or as part of any preparation included in the formulation:

- alkyl phenol ethoxylates (APEOs) and derivatives thereof,
- nitromusks and polycyclic musks, including for example:
 - musk xylene: 5-tert-butyl-2,4,6-trinitro-m-xylene,
 - musk ambrette: 4-tert-butyl-3-methoxy-2,6-dinitrotoluene,
 - moskene: 1,1,3,3,5-pentamethyl-4,6-dinitroindan,
 - musk tibetine: 1-tert-butyl-3,4,5-trimethyl-2,6-dinitrobenzene,
 - musk ketone: 4'-tert-butyl-2',6'-dimethyl-3',5'-dinitroacetaphenone,
 - HHCB: 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8,-hexamethylcyclopenta(g)-2-benzopyran,
 - AHTN: 6-acetyl-1,1,2,4,4,7-hexamethyltetralin,
 - EDTA (ethylenediamine tetraacetate),
 - NTA (nitrilotriacetate). [EU toolkit comprehensive criteria]

- The total amount of insoluble inorganic ingredients at the recommended dosage shall be less than 30,0 g/ [EU toolkit comprehensive criteria]

Phosphorus and phosphonates:

- The total amount of phosphates (as sodium tripolyphosphate-STPP) at the recommended dosage shall not exceed 25 g/wash (EU Ecolabel)

or

The product must not contain more than 1.15 g/kg wash phosphorus, counted at P, and the product must not contain more than 0.15 g/kg wash of phosphonates (Nordic Ecolabeling) [EU toolkit comprehensive criteria]

Fragrances:

Any ingredients added to the product as a fragrance shall have been manufactured and/or handled following the code of practice of the International Fragrance Association. [EU toolkit comprehensive criteria]



Preservatives:

Preservatives may be added only to liquid products. Preservatives must not be bioaccumulable. Preservatives are not regarded as bioaccumulable if $BCF < 100$ or $\log K_{ow} < 3$. If information is available on both BCF and $\log K_{ow}$, the information on BCF must be used (Nordic Ecolabeling)

or

No preservatives shall be used that are or may be classified as R50-53, whatever their amount (EU Ecolabel). [EU toolkit comprehensive criteria]

Surfactants:

Each surfactant used in the product shall be readily (aerobic) biodegradable.
Each surfactant used in the product shall be anaerobically biodegradable.
[EU toolkit comprehensive criteria]

Evidence:

The compliance with all the criteria mentioned above can be proved with the following label:

Nordic Swan



Eu Ecolabel



Österreichischer Umweltzeichen



in case that the tendering company can present this label, any further proof is not necessary.

***** Other possibilities of proof:*****

- For each product offered, all substances contained above 0.01% by weight of the final product must be listed, together with their CAS-number (where available) and any risk-phrases with which they are classified.

and

- The total quantity of phosphates per wash must be given.



5) Awarding the contract:

	Criterion	Weight
1	Price <i>Calculation (e.g.):</i> Lowest offered price/ stated price x 0,70	e.g. 70%
2	Environmental criteria (The public authority formulates the points it wants to assign to the below mentioned criteria) <i>Calculation (e.g.):</i> Total scored points / maximum number of points x 0,20	e.g. 20%
3	...	e.g. 5 %
4	...	e.g.....

Environmental criteria

The final product:

The product must not be classified as highly toxic (T+), toxic (T), corrosive (C), harmful to health (Xn) or sensitising (Xn with R42 and/or Xi with R43) in accordance with the Dangerous Preparations Directive 1999/45/EC. Nor must the product be classified as environmentally harmful (with or without N) in accordance with the Dangerous Preparations Directive 1999/45/EC.

Stain removers may be classified as harmful to health (Xn with R22). [EU toolkit comprehensive criteria]

Colouring agents

Colouring agents may be added to liquid products provided that the colouring agent in question has been approved for use in foodstuffs or is not bioaccumulable. Colouring agents are not regarded as bioaccumulable if $BCF < 100$ or $\log K_{ow} < 3.0$. If information is available on both BCF and $\log K_{ow}$, the information on BCF must be used. [EU toolkit comprehensive criteria]



Chemical substances

- No ingredient (substance or preparation) shall be included in the product in a quantity that exceeds 0.01% by weight of the final product that is classified with any of the risk phrases, or combinations thereof, as outlined in the following table in accordance with Directive 67/548/EEC and its amendments or Directive 1999/45/EC and its amendments. These criteria do not apply to biocides, which are dealt with separately below:

R59 (see also annex) [EU toolkit core criteria]

- No ingredient shall be included in the product that is classified or may be classified as: R64 (see also annex) [EU toolkit core criteria]

- The product must not contain substances classified as sensitising with R42. Enzymes are exempted from this requirement; [EU toolkit comprehensive criteria]

- The product may contain only limited quantities of substances classified as environmentally harmful, as follows:

$\Sigma 52/53 < 0.03$ g/kg wash [EU toolkit comprehensive criteria]

- The total amount of insoluble inorganic ingredients at the recommended dosage shall be less than:

14,0 g/wash for laundry detergents.

5,0 g/wash for laundry detergents for delicate textiles.

5,0 g/wash for stain removers. [EU toolkit comprehensive criteria]

- The product must not contain alkylphenol derivatives (APD), reactive chlorine (e.g. sodium hypochlorite or organic compounds of chlorine), borate, perborate or optical brightener. [EU toolkit comprehensive criteria]

- aNBO (Aerobic Non-Biodegradable Organics)

The content of substances in the product that are not readily biodegradable aerobically (aNBO), must not exceed

1,0 g/kg wash for laundry detergents.

0,5 g/wash for laundry detergents for delicate textiles.

1,0 g/wash for stain removers. 1.0 g/kg wash.

aNBO must be calculated for all substances in the product. [EU toolkit comprehensive criteria]

- anNBO (Anaerobic Non-Biodegradable Organics)

The content of substances in the product that are not biodegradable anaerobically (anNBO), must not exceed

1,0 g/kg wash for laundry detergents.

0,5 g/wash for laundry detergents for delicate textiles.



1,0 g/wash for stain removers. 1.0 g/kg wash.

anNBO must be calculated for all substances in the product. [EU toolkit comprehensive criteria]

- The following substances are, amongst others, regarded as complexing agents: phosphate, phosphonate, silicate, citrate, polycarboxylate, polyacrylate, zeolite and iminodisuccinate.

The content of complexing agents in the product must not exceed 6 g/kg wash. Citrate shall not be included in this amount [EU toolkit comprehensive criteria]

- Enzymes must be liquid or in the form of a non-dusting granulate. [EU toolkit comprehensive criteria]

- The enzyme production micro-organism shall be absent from the final enzyme preparation. [EU toolkit comprehensive criteria]

- Quaternary ammonium salts that are not readily biodegradable shall not be used. [EU toolkit comprehensive criteria]

6) Performance clauses:

Packaging:

(1) All products must be delivered with clear dosing instructions. [EU toolkit core]

(2) The cardboard packaging shall consist of $\geq 80\%$ recycled material. [EU toolkit core]

3) The contractor is committed, during the whole period of the contract to prove, when requested by the contracting authority, that the ingredients of all products supplied meet the biodegradability conditions outlined in the Detergents Regulation 648/2004. [EU toolkit core]



6bis) Specific performance clause

Declaration on animal testing

1) For the delivery of the products in this procurement, the tenderer declares to not (or no longer) conduct or commission animal testing and must apply a verifiable fixed cut-off date. This date is an unmoveable date after which none of its finished products, ingredients or formulations (delivered by itself or its suppliers) have been animal tested.

2) The tenderer must be open to an independent audit throughout its supply chain to ensure that they adhere to their animal testing policy.

Proof:

The tenderer can proof the compliance with the above mentioned requirements on animal testing by a signed declaration of the Humane Cosmetics Standard or the Humane Household Products Standard. Products with the leaping bunny logo also



comply:

Any other proof in compliance with the above mentioned criteria can be accepted.

References

[Information of the public authority that used these clauses in a procurement case]

Annex R-PHRASES:

(R-phrases are mentioned on product labels and in product safety datasheets. It can be a useful tool for verification-procedures.)

<u>R1:</u>	Explosive when dry.
<u>R2:</u>	Risk of explosion by shock, friction, fire or other sources of ignition.
<u>R3:</u>	Extreme risk of explosion by shock, friction, fire or other sources of ignition.
<u>R4:</u>	Forms very sensitive explosive metallic compounds.
<u>R5:</u>	Heating may cause an explosion.
<u>R6:</u>	Explosive with or without contact with air.
<u>R7:</u>	May cause fire.
<u>R8:</u>	Contact with combustible material may cause fire.
<u>R9:</u>	Explosive when mixed with combustible material.
<u>R10:</u>	Flammable
<u>R11:</u>	Highly flammable
<u>R12:</u>	Extremely flammable
<u>R13 (obsolet):</u>	<i>Extremely flammable liquid gas (This R-phrase is no longer designated by the version of the GefStoffV published on 26.10.93.)</i>
<u>R14:</u>	Reacts violently with water.
<u>R15:</u>	Contact with water liberates extremely flammable gases.
<i>Merck R15.1</i>	<i>Contact with acid liberates extremely flammable gases.</i>
<u>R16:</u>	Explosive when mixed with oxidizing substances.
<u>R17:</u>	Spontaneously flammable in air.
<u>R18:</u>	In use, may form flammable/explosive vapour-air mixture.
<u>R19:</u>	May form explosive peroxides.
<u>R20:</u>	Harmful by inhalation.
<u>R21:</u>	Harmful in contact with skin.
<u>R22:</u>	Harmful if swallowed.
<u>R23:</u>	Toxic by inhalation.
<i>Riedel-de Haen R23K:</i>	<i>Also toxic by inhalation.</i>
<u>R24:</u>	Toxic in contact with skin.
<i>Riedel-de Haen R24K:</i>	<i>Also toxic in contact with skin.</i>
<u>R25:</u>	Toxic if swallowed.
<i>Riedel-de Haen R25K:</i>	<i>Also toxic if swallowed.</i>
<u>R26:</u>	Very toxic by inhalation.
<i>Riedel-de Haen R26K:</i>	<i>Also very toxic by inhalation.</i>
<u>R27:</u>	Very toxic in contact with skin
<i>Riedel-de Haen R27A:</i>	<i>Very toxic in contact with eyes.</i>
<i>Riedel-de Haen R27K:</i>	<i>Also very toxic in contact with skin.</i>
<i>Riedel-de Haen</i>	<i>Also very toxic in contact with eyes.</i>




<u>R27AK:</u>	
<u>R28:</u>	Very toxic if swallowed.
<i>Riedel-de Haen</i>	<i>Also very toxic if swallowed.</i>
<u>R28K:</u>	
<u>R29:</u>	Contact with water liberates toxic gas.
<u>R30:</u>	Can become highly flammable in use.
<u>R31:</u>	Contact with acids liberates toxic gas.
<i>Merck R31.1</i>	<i>Contact with alkalies liberates toxic gas.</i>
<u>R32:</u>	Contact with acids liberates very toxic gas.
<u>R33:</u>	Danger of cumulative effects.
<u>R34:</u>	Causes burns.
<u>R35:</u>	Causes severe burns.
<u>R36:</u>	Irritating to eyes.
<i>Riedel-de Haen</i>	<i>Lacrimating</i>
<u>R36A:</u>	
<u>R37:</u>	Irritating to respiratory system.
<u>R38:</u>	Irritating to skin.
<u>R39:</u>	Danger of very serious irreversible effects.
<u>R40:</u>	Possible risk of cancer. <i>CAUTION: Until 2001 this R-phrase was used for possible mutagenic or teratogenic risks as well. These risks are now labelled with R68!</i>
<u>R41:</u>	Risk of serious damage to eyes.
<u>R42:</u>	May cause sensitization by inhalation.
<u>R43:</u>	May cause sensitization by skin contact.
<u>R44:</u>	Risk of explosion if heated under confinement.
<u>R45:</u>	May cause cancer.
<u>R46:</u>	May cause heritable genetic damage.
<u>R47(obsolete):</u>	<i>May cause deformities. (This R-phrase is no longer designated by the version of the GefStoffV published on 26.10.93.)</i>
<u>R48:</u>	Danger of serious damage to health by prolonged exposure.
<u>R49:</u>	May cause cancer by inhalation.
<u>R50:</u>	Very toxic to aquatic organisms.
<u>R51:</u>	Toxic to aquatic organisms.
<u>R52:</u>	Harmful to aquatic organisms.
<u>R53:</u>	May cause long-term adverse effects in the aquatic environment.
<u>R54:</u>	Toxic to flora.
<u>R55:</u>	Toxic to fauna.
<u>R56:</u>	Toxic to soil organisms.
<u>R57:</u>	Toxic to bees.
<u>R58:</u>	May cause long-term adverse effects in the environment.
<u>R59:</u>	Dangerous for the ozone layer.
<u>R60:</u>	May impair fertility.
<u>R61:</u>	May cause harm to the unborn child.
<u>R62:</u>	Possible risk of impaired fertility.
<u>R63:</u>	Possible risk of harm to the unborn child.
<u>R64:</u>	May cause harm to breastfed babies.
<u>R65:</u>	Harmful: may cause lung damage if swallowed.
<u>R66:</u>	Repeated exposure may cause skin dryness or cracking.
<u>R67:</u>	Vapours may cause drowsiness and dizziness.
<u>R68:</u>	Possible risks of irreversible effects.

COMBINATIONS OF R-PHRASES:



- R14/15: Reacts violently with water, liberating extremely flammable gases.
- R15/29: Contact with water liberates toxic, extremely flammable gas.
- R20/21: Harmful by inhalation and in contact with skin.
- R21/22: Harmful in contact with skin and if swallowed.
- R20/22: Harmful by inhalation and if swallowed.
- R20/21/22: Harmful by inhalation, in contact with skin and if swallowed.
- R21/22: Harmful in contact with skin and if swallowed.
- R23/24: Toxic by inhalation and in contact with skin.
- R24/25: Toxic in contact with skin and if swallowed.
- R23/25: Toxic by inhalation and if swallowed.
- R23/24/25: Toxic by inhalation, in contact with skin and if swallowed.
- R24/25: Toxic in contact with skin and if swallowed.
- R26/27: Very toxic by inhalation and in contact with skin.
- R27/28: Very toxic in contact with skin and if swallowed.
- R26/28: Very toxic by inhalation and if swallowed.
- R26/27/28: Very toxic by inhalation, in contact with skin and if swallowed.
- R36/37: Irritating to eyes and respiratory system.
- R37/38: Irritating to respiratory system and skin.
- R36/38: Irritating to eyes and skin.
- R36/37/38: Irritating to eyes, respiratory system and skin.
- R39/23: Toxic: danger of very serious irreversible effects through inhalation.
- R39/24: Toxic: danger of very serious irreversible effects in contact with skin.
- R39/25: Toxic: danger of very serious irreversible effects if swallowed.
- R39/23/24: Toxic: danger of very serious irreversible effects through inhalation and in contact with skin.
- R39/23/25: Toxic: danger of very serious irreversible effects through inhalation and if swallowed.
- R39/24/25: Toxic: danger of very serious irreversible effects in contact with skin and if swallowed.
- R39/23/24/25: Toxic: danger of very serious irreversible effects through inhalation, in contact with skin and if swallowed.
- R39/26: Very toxic: danger of very serious irreversible effects through inhalation.
- R39/27: Very toxic: danger of very serious irreversible effects in contact with skin.
- R39/28: Very toxic: danger of very serious irreversible effects if swallowed.
- R39/26/27: Very toxic: danger of very serious irreversible effects through inhalation and in contact with skin.
- R39/26/28: Very toxic: danger of very serious irreversible effects through inhalation and if swallowed.
- R39/27/28: Very toxic: danger of very serious irreversible effects in contact with skin and if swallowed.
- R39/26/27/28: Very toxic: danger of very serious irreversible effects through inhalation, in contact with skin and if swallowed.
- R42/43: May cause sensitization by inhalation and skin contact.
- R48/20: Harmful: danger of serious damage to health by prolonged exposure through inhalation.
- R48/21: Harmful: danger of serious damage to health by prolonged exposure in contact with skin.
- R48/22: Harmful: danger of serious damage to health by prolonged exposure if swallowed.
- R48/20/21: Harmful: danger of serious damage to health by prolonged exposure through inhalation and in contact with skin.
- R48/20/22: Harmful: danger of serious damage to health by prolonged exposure through inhalation and if swallowed.
- R48/21/22: Harmful: danger of serious damage to health by prolonged exposure in contact with skin and if swallowed.
- R48/20/21/22: Harmful: danger of serious damage to health by prolonged exposure through inhalation, in contact with skin and if swallowed.
- R48/23: Toxic: danger of serious damage to health by prolonged exposure through inhalation.
- R48/24: Toxic: danger of serious damage to health by prolonged exposure in contact with skin.
- R48/25: Toxic: danger of serious damage to health by prolonged exposure if swallowed.
- R48/23/24: Toxic: danger of serious damage to health by prolonged exposure through inhalation and in contact with skin.
- R48/23/25: Toxic: danger of serious damage to health by prolonged exposure through inhalation and if swallowed.
- R48/24/25: Toxic: danger of serious damage to health by prolonged exposure in contact with skin and if swallowed.
- R48/23/24/25: Toxic: danger of serious damage to health by prolonged exposure through inhalation, in contact with skin and if swallowed.



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- R50/53: Very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.
 - R51/53: Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.
 - R52/53: Harmful to aquatic organisms, may cause long-term adverse effects in the aquatic environment.
 - R68/20: Harmful: possible risk of irreversible effects through inhalation.
 - R68/21: Harmful: possible risk of irreversible effects in contact with skin.
 - R68/22: Harmful: possible risk of irreversible effects if swallowed.
 - R68/20/21: Harmful: possible risk of irreversible effects through inhalation and in contact with skin.
 - R68/20/22: Harmful: possible risk of irreversible effects through inhalation and if swallowed.
 - R68/21/22: Harmful: possible risk of irreversible effects in contact with skin and if swallowed.
 - R68/20/21/22: Harmful: possible risk of irreversible effects through inhalation, in contact with skin and if swallowed.

