

Sustainable Public Procurement-fiche: advanced

1) *Subject matter*

Writing material produced with environmental friendly materials and processes.

“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*

For all writing instruments

- Group packaging and transport packaging consists of homogenous and easily separable materials.

For all writing instrument except pencils, colour pencils, propelling pencils

- Ink must not require classification in accordance with harmonized regulations in EU very toxic, toxic, harmful to health, corrosive, carcinogenic, harmful to the reproductive system or genetically harmful, explosive, extremely flammable (see annex).

Exempted from classification requirements are inks which ensure long storage life and can be classified as harmful to health if swallowed (R22).

- The dyes in inks are not based on antimony, arsenic, barium, cadmium, mercury, selenium, lead and/or hexavalent chromium.
- Ink doesn't contain volatile organic solvents (this criterium doesn't apply to fountain pens).

Exceptions are made



- for ballpoint pens, roller pens in which the following organic solvents are accepted: benzyl alcohol (CAS 100-51-6), and 2-phenoxy etanol (CAS 122-99-6), propylene glycol (CAS 57-55-6), ethylene glycol (CAS 107-21-1).
- for colour markers and highlighters diethylene glycol (CAS 111-46-6) and ethylene glycol (CAS 107-21-1) are accepted.
- for overheadmarkers, whiteboardmarkers and text markers (permanent fiberpens), in which the following organic solvents are accepted: etanol (CAS 64-17-5), 1-propanol (CAS 71-23-8), isopropylalcohol (CAS 67-63-0), 1-methoxy-2-propanol (CAS 107-98-2).

For wooden pencils

- The raw materials of wooden products do not come from forest environments that need protection for biological and/or social reasons.
- There is no surface treatment and application of foil except for the text/logo. If the pencil is coated (paints or varnishes) the used products are water based.

Evidence:

The compliance with all the criteria mentioned above can be proved with one of the following labels:



Nordic Swan
Labeling



NF
Environnement

In case that the tendering company can present one of these labels, any further proof is not necessary. Any other suitable evidence from a recognized body can also be used.

5) Awarding the contract:

| | <i>Criterion</i> | <i>Weight</i> |
|---|---|---------------|
| 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. ... |



List of environmental award criteria:

All writing instruments

- Ink/graphite must not contain any aromatic and halogenous hydrocarbons. Denaturants in alcohol and organic pigments/dyes in ink/graphite may however contain aromatic hydrocarbons.

All writing instrument except wooden pencils

- The holder and cap of writing instruments other than wooden pencils must be made of materials that can easily be separated during recycling.
- Holder and cap of writing instruments other than wooden pencils may not contain chlorinated plastics.
- The writing instruments do not contain one or more of those phthalates: DINP, DEHP, DBP, DIDP, DNOP and BBP (conform the Commission Decision 1999/815/EC of 7 December 1999 adopting measures prohibiting the placing on the market of toys and childcare articles intended to be placed in the mouth by children under three years of age made of soft PVC containing phthalates).
- The plastic parts of the writing instruments other than wooden pencils do not contain soluble heavy metals, conform the requirements of EN71-3.
- The dye in shaft and casing is not be based on antimony, arsenic, barium, cadmium, mercury, selenium, lead and/or hexavalent chromium.

All writing instrument except pencils, colour pencils, propelling pencils

- Ink doesn't require classification in accordance with harmonized regulations in EU on environmental hazards, irritant, allergenic, oxidizing, highly flammable or flammable. Exempted from classification requirements are:
 - o Ink classified as irritants, with risk phrases R36, R37 and R38, or in combination. (see annex)
 - o Ink in overhead markers, whiteboard markers and text markers (permanent fiberpens) may be classified as flammable (R10), or as highly flammable (R11)
- The ingredients of the ink are not classified as carcinogenic, mutagenic or reprotoxic (concerning CMR1 & 2).
- Ink doesn't contain those organic solvents (this criteria doesn't apply to fountain pens): benzyl alcohol (CAS 100-51-6), and 2-phenoxy etanol (CAS 122-99-6), propylene glycol (CAS 57-55-6), ethylene glycol (CAS 107-21-1) and diethylene glycol (CAS 111-46-6)



Pencils

- Graphite doesn't require classification in accordance with harmonized regulations in EU on environmental hazards, very toxic, toxic, harmful to health, corrosive, irritant, allergenic, carcinogenic, harmful to the reproductive system or genetically harmful, explosive, oxidizing, extremely flammable, highly flammable or flammable. Exempted from classification requirements is graphite classified as irritants, with risk phrases R36, R37 and R38, or in combination. (see annex)
- The dyes in graphite are not based on antimony, arsenic, barium, cadmium, mercury, selenium, lead and/or hexavalent chromium.
- If other materials are used for the body of the pencil (not for propelling pencils) those have to be 100% renewable or minimum recycled to 60%.

Wooden pencils

- The raw materials of wooden products come from sustainable managed forests and are FSC, PEFC or an equivalent certification.

Ballpoint pens, roller pens

- Some requirements about the contain of new and recycled material for ballpoint pens and roller pens:
 - o for those that are not refillable:
$$C = (M_{mv} + 0,4 M_{mr}) / L$$

M_{mv}: weight of new material in g
M_{mr}: weight of recycled material in g
L: distance that can be written in km
 - o for those that are refillable:
$$C = ((M_i m_v + 2 M_c m_v) + 0,4 (M_i m_r + 2 M_c m_r)) / 3 L$$

M_{imv}: weight of new material in the pen with refill in g
M_{cmv}: weight of new material in a refill in g
M_{imr}: weight of recycled material in the pen with refill in g
M_{cmr}: weight of recycled material in a refill in g
L: distance that can be written in km

The weight is calculated without ink

The values of C have to be:

- o for ballpoint pens: less than 2 g/km
- o for liquid ink roller pens: less than 4g /km
- o for gel roller pens: less than 5 g/km

Markers, highlighters, fountain pens and propelling pencils

- For marker, highlighters, fountain pens and propelling pencils at least 35% of the weight has to be of renewable or recycled materials.

Fountain pens, ballpoint pens and propelling pencils

- For fountain pens, ballpoint pens and propelling pencils the holder and cap must permit the use of a refill and insertion of a refill must not require special tools.



Fountain pens, ballpoint pens

- The surface of the plastic parts of the writing instruments that is treated is less than 12% of the total surface of the writing instrument.

6) *Performance clauses:*

- The tenderer who provides refillable writing instruments, also provides the refills for those instruments.
- The ink content of the inkwell/refill containers must not be less than the original content.

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 |
| <i>R13 (obsolet):</i> | <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 R27AK:</i> | <i>Also very toxic in contact with eyes.</i> |
| <u>R28:</u> | Very toxic if swallowed. |
| <i>Riedel-de Haen R28K:</i> | <i>Also very toxic if swallowed.</i> |



| | |
|---------------------------------|---|
| <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 alkalis 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 R36A:</i> | <i>Lacrimating</i> |
| <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-phrasing 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. |
| <i>R47(obsolet):</i> | <i>May cause deformities. (This R-phrasing 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.
- 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.

