(Version 20090603)

Sustainable Public Procurement-fiche: advanced

1) Subject matter

Environmental friendly shampoo, conditioner, body shampoo, liquid and solid soap

"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

Functional unit:

The Functional unit is 1 gram of 'Active Content (AC)'. AC is defined as the weight of organic ingredients in the product. It must be calculated on the basis of the complete formulation of the product. Rubbing/abrasive agents in hand cleaning agents are not included in the calculation of AC.

Chemicals:

- No constituent substance must be classified as carcinogenic (Carc), mutagenic (Mut) or toxic to reproduction (Rep) including rules for self-classification (See annex 1).

- 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 other alkyl phenol derivatives
  — NTA (nitrilo-tri-acetate)
  — Boric acid, borates and perborates
  — Musk xylene (CAS-no. 81-15-2) and Musk keton (CAS-no. 81-14-1)
  - Ethylene diamine tetra acetate (EDTA) and salts hereof (e.g. CAS-no. 64-02-8) and phosphonates may be present only in solid soap, and the total quantity must not exceed 0.6 mg/g AC.

Biodegradebility of surfactants:

- Aerobic biodegradability of surfactants: Each surfactant used in the product shall be readily biodegradable.

Biodegradebility of non-surfactants:

a) Aerobic biodegradability of non-surfactants (aNBDOnon-surf)

The content of ingredients that are not readily biodegradable (or have not been tested for aerobic biodegradability) must not exceed the following levels:

Shampoo, shower products and liquid soaps: 30 mg/g AC
Solid soaps: 15 mg/g AC
Conditioner: 50 mg/g AC

Rubbing/abrasive agents in hand cleaning agents are not included.

All ingredients (substances or preparations) exceeding 0,010 % by weight of the final product shall be considered. This includes also each ingredient of any preparation used in the formulation exceeding 0,010 % by weight of the final product.

b) Anaerobic biodegradability of non-surfactants (anNBDOnon-surf)

- The content of ingredients that are not anaerobically degradable (or have not been tested for anaerobic biodegradability) and have a lowest acute toxicity LC50 or EC50 < 100 mg/l (similar to the classification limit for R52 in Directive 67/548/EEC must not exceed the following levels:

Shampoo, shower products and liquid soaps: 25 mg/g AC
Solid soaps: 15 mg/g AC
Conditioner: 50 mg/g AC
Rubbing/abrasive agents in hand cleaning agents are not included.

Fragrance

- Fragrances used must comply with the International Fragrance Association's (IFRA) guidelines as described in "Code of Practice". IFRA Guidelines can be found on www.ifraorg.org/guidelines.asp

- Fragrance substances classified R43 or fragrances substances specified in Appendix 2 may be present in the product in quantities not exceeding 0.01% (100 ppm).

- Fragrances substances classified with R43 or found in Appendix 2 may be part of the fragrance mix in amounts below 1% if the total amount of substances classified R43 or found in Appendix 2 do not exceed 5% of the fragrance mix.

Dyes and coloring agents

Organic dyes or colouring agents must not be potentially bio-accumulating. In the case of colouring agents approved for use in foodstuffs, it is not necessary to submit documentation of bioaccumulation potential. In this context, a colouring agent or dye is considered to be potentially bio-accumulating if the experimentally determined BCF is > 100. If no BCF (Bio-concentration Factor) test result is available, bioaccumulation may be demonstrated by the log Pow (log octanol/ water partition coefficient). If logPow is > 3,0 the colouring agent or dye is considered as potentially bio-accumulating.

Preservatives

- Preservatives must not release substances that are classified as carcinogenic (Carc), mutagenic (Mut) or toxic to reproduction (Rep) including rules for self-classification class III. (see also annex 1)
  Preservatives must be approved according to the Cosmetic Directive Annex VI.
  The use of preservatives for purposes other than preservation is not allowed.
  Preservatives used in the product or its raw materials/ingredients must not be bioaccumulable

Packaging

The Weight/Content Relationship (WCR) must be less than 0,30 g of packaging per gram of product, and is calculated as follows.
$WCR = \Sigma ((W_i + N_i) / (D_i \times r))$

Where;
Wi = the weight (in grams) of packaging-component i (this applies to both primary or secondary packaging), including any labels.

Ni = the weight (in grams) of the packaging component that comes from virgin material rather than recycled sources (this applies to both primary or secondary packaging). If the packaging component does not contain recycled material then Ni = Wi.
Di = the weight in grams of product that the packaging-component contains.
r = the Return number, i.e. the number of times the packaging-component i is used for the same purpose through a system of return or refill (by default r = 1 if no reuse occurs).
If the packaging is reused r is set to 20 for plastics and 10 for corrugated board unless the applicant can document a higher number.

- To allow for identification of different parts of the packaging for recycling, plastic parts in the primary packaging must be marked in accordance with DIN 6120, Part 2 or the equivalent. Caps and pumps are exempted from this requirement.

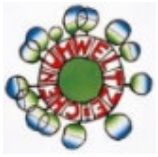
- Dosage: The packaging must be designed to make correct dosage easy, e.g. by ensuring that the opening at the top is not too wide.

Evidence

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

Nordic Swan

Eu Ecolabel



Österreichische Ümweltzeichen

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

5) Awarding the contract:

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

Environmental criteria

Biodegradebility of non-surfactants:

Aerobic biodegradability of non-surfactants (aNBDOnon-surf)
- The content of ingredients that are not readily biodegradable (or have not been tested for aerobic biodegradability)
must not exceed the following levels:

Shampoo, shower products and liquid soaps: 15 mg/g AC
Solid soaps: 10 mg/g AC
Conditioner: 30 mg/g AC

Anaerobic biodegradability of non-surfactants
- The content of organic substances (surfactants are extempted) that are not anaerobically biodegradable (anNBDO) must not exceed the limits stated below.
The limits also apply for products for animals.
Organic rubbing/abrasive agents in hand cleaning agents are not counted in.

Shampoo, shower products and liquid soaps: 15 mg/g AC
Solid soaps: 10 mg/g AC
Conditioner: 30 mg/g AC

Fragrances

Fragrance must not be added to products that are sold for use on babies/infants.

Dyes and coloring agents

Colouring agents must be approved according to the Cosmetic Directive Annex IV.

Biocides:

- The product may only include biocides in order to preserve the product, and in the appropriate dosage for this purpose alone. This does not refer to surfactants which may also have biocidal properties.

- Biocides, either as part of the formulation or as part of any preparation included in the formulation, that are used to preserve the product and that fulfil the criteria for classification with R50-53 or R51-53 risk phrases, in accordance with Directive 67/548/EEC or Directive 1999/45/EC of the European Parliament and of the Council (1), are only permitted if they are not potentially bio-accumulating. In this context, a biocide is considered to be potentially bioaccumulating if the bio-concentration factor (BCF) is > 100 or, if no BCF-results are available, the log Pow (log octanol/water partition coefficient) is > 3,0.

Chemicals:

No constituent substance must be on the EU list of substances that cause endocrine disruption class 1 or 2,

- No constituent substance must be classified as sensitising Xi with R42 and/or R43 including rules for self-classification.(see annex 1)

- Products for animals must not be classified as environmentally harmful, highly toxic (Tx), toxic (T), corrosive (C), harmful to health (Xn), irritant (Xi), carcinogenic (Carc), mutagenic (Mut) or toxic to reproduction (Rep) (see annex 1).

- Linear alkylsulphonates (LAS) must not be added to the product.

- 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: Nitromusks and polycyclic musks

- The product must not fulfil the requirements for classification for any of the following risk phrases according to Directive 67/548/EEC:
N, R50/53: (WR50/53/25 %) ≥ 1
N, R51/53: ((WR50/53/2,5 %) + (WR51/53/25 %)) ≥ 1
R52/53: ((WR50/53/0,25 %) + (WR51/53/2.5 %) + (WR52/53/25 %)) ≥ 1
WR50/53 = weight percent of ingredients that may be classified as R50/53.
WR51/53 = weight percent of ingredients that may be classified as R51/53.
WR52/53 = weight percent of ingredients that may be classified as R52/53.
Rubbing/abrasive agents in hand cleaning agents are not included.

Preservatives
Preservatives must not be classified as sensitising Xi with R42 and/or R43 including rules for self-classification (see annex 1).

Enzymes
- Enzymes are exempted from requirement as to classification with R42. Enzymes must be a dust-free granulate or liquid.(see annex 1)

Packaging
The packaging must contain neither additives based on Cadmium or Mercury or compounds with these elements.

- Packaging (including labels) that contains PVC or plastics based on other types of chlorinated materials are not allowed.

Specific requirements regarding products for animals

1) Products for animals must not be classified as environmentally harmful, highly toxic (Tx), toxic (T), corrosive (C), harmful to health (Xn), irritant (Xi), carcinogenic (Carc), mutagenic (Mut) or toxic to reproduction (Rep). Classification in accordance with the Dangerous Substances Directive 67/548/EEC and 1999/45/EC with adaptations.(see annex 1)

2) Fragrances must not be present in products for animals.

3) Colouring agents must not be present in products for animals.

6) Performance clause

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.)

R1:	Explosive when dry.
R2:	Risk of explosion by shock, friction, fire or other sources of ignition.
R3:	Extreme risk of explosion by shock, friction, fire or other sources of ignition.
R4:	Forms very sensitive explosive metallic compounds.
R5:	Heating may cause an explosion.
R6:	Explosive with or without contact with air.
R7:	May cause fire.
R8:	Contact with combustible material may cause fire.
R9:	Explosive when mixed with combustible material.
R10:	Flammable
R11:	Highly flammable
R12:	Extremely flammable
R13 (obsolet):	*Extremely flammable liquid gas* *(This R-phrase is no longer designated by the version of the GefStoffV published on 26.10.93.)*
R14:	Reacts violently with water.
R15:	Contact with water liberates extremely flammable gases.
Merck R15.1	*Contact with acid liberates extremely flammable gases.*
R16:	Explosive when mixed with oxidizing substances.
R17:	Spontaneously flammable in air.
R18:	In use, may form flammable/explosive vapour-air mixture.
R19:	May form explosive peroxides.
R20:	Harmful by inhalation.
R21:	Harmful in contact with skin.
R22:	Harmful if swallowed.
R23:	Toxic by inhalation.
Riedel-de Haen R23K:	*Also toxic by inhalation.*
R24:	Toxic in contact with skin.
Riedel-de Haen R24K:	*Also toxic in contact with skin.*
R25:	Toxic if swallowed.
Riedel-de Haen R25K:	*Also toxic if swallowed.*
R26:	Very toxic by inhalation.
Riedel-de Haen R26K:	*Also very toxic by inhalation.*
R27:	Very toxic in contact with skin
Riedel-de Haen R27A:	*Very toxic in contact with eyes.*
Riedel-de Haen R27K:	*Also very toxic in contact with skin.*
Riedel-de Haen R27AK:	*Also very toxic in contact with eyes.*
R28:	Very toxic if swallowed.
Riedel-de Haen R28K:	*Also very toxic if swallowed.*
R29:	Contact with water liberates toxic gas.

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

Annex 2 – Fragrance substances that is limited

The following fragrance substances must not be present in the product in quantities exceeding 0.01%.

Name	Cas-no.
Amyl cinnamal	122-40-7
Benzyl alcohol	100-51-6
Cinnamyl alcohol	104-54-1
Citral	5392-40-5
Eugenol	97-53-0
Hydroxycitronellal	107-75-5
Isoeugenol	97-54-1
Amylcinnamyl alcohol	101-85-9
Benzyl salicylat	118-58-1
Cinnamal	104-55-2
Coumarin	91-64-5
Geraniol	106-24-1
Hydroxymethylpentylcyclohexenecarboxaldehyd (Methyl heptine carbonate)	31906-04-4
Anisyl alcohol	105-13-5
Benzyl cinnamat	103-41-3
Farnesol	4602-84-0
2-(4-tert-butylbenzyl)-propionaldehyd (Lilial)	80-54-6
Linalool	78-70-6
Benzyl benzoate	120-51-4
Citronellol	106-22-9
Hexyl cinnamaldehyd	101-86-0
d-Limonen	5989-27-5
Methyl heptin carbonat	111-12-6
3-methyl-4-(2,6,6-trimethyl-2-cyclohexen-1-yl)-3-buten-2-on (γ-Methylione)	127-51-5
Oak moss	90028-68-5
Tree moss	90028-67-4