# Oxford Climate Policy Monitor 2024 Survey

**Jurisdiction** Germany

**Law firm** KP Partners

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## Policy Tool Name: Act against Restraint of Competition - Gesetz gegen Wettbewerbsbeschränkung (GWB)

 $3. \ \ Source\ material\ link(s): https://web.archive.org/web/20240806080349/https://www.gesetze-iminternet.de/gwb/BJNR252110998.html \#BJNR252110998BJNG000104118$ 

4.	Which of the following governance domains does this policy tool relate to? Select all that apply.
	Climate-related disclosure
	Transition planning
<b>V</b>	Public procurement
6.	Select the category which best describes the author/issuer of the policy tool.
	Head of state and/or government
	Independent regulatory or supervisory body
<b>V</b>	Legislature
	Judiciary
	Ministry/Department/Agency
	Other (Please describe)
7.	Status of the policy tool
•	Approved, in force
0 /	Approved, not yet in force
0 (	Other (Please describe)
9.	Year of (planned) entry into force or year of publication
<u>20</u>	<u>005</u>

10. Does the policy tool have an end date?
No     No
∘ Yes

12. Briefly describe the policy tool's goal and/or purpose:

For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.

The Act creates the framework for the proper award of contracts in the above-threshold area, taking into account the fundamental freedoms, the principle of proportionality and the prohibition of discrimination, Sections 97 I 2, 127 IV GWB. This is intended to create fair competition for all participants. The contracting authorities can take environmental criteria into account in the specifications, Section 97 III GWB. The intended service must be described clearly and exhaustively, Section 121 GWB, e.g. by means of quality labels (Blue Angel). Mandatory requirements must be placed on the bidding companies, §§ 122 ff. GWB. An optional reason for exclusion is the demonstrable breach of environmental obligations in the performance of a public contract, Section 124 I No. 1 GWB. The suitability criterion local company or regional procurement violates the prohibition of discrimination, Section 97 II GWB, and is inadmissible. It is also possible to take environmental aspects into account as part of the award criteria, provided these are related to the subject matter of the contract, i.e. those that are directly related to the product or service tendered, Section 127 III GWB. For example, ingredients, energy and fuel consumption. Environmental aspects can also be used in the evaluation of tenders, Section 127 I GWB, in order to determine the most economical tender. The public procurement bodies can make ecological criteria part of the subject matter of the service provision within the framework of the performance conditions, e.g. transportation, packaging, take-back, report on CO2 emissions and information on reduction or availability of spare parts, Section 128 II GWB. The connection with the subject matter of the contract must also be given here.

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- 13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
- 1. Procurement chamber Vergabekammer §§ 155 ff. GWB
- 2. Higher Regional Court Oberlandesgericht §§ 171 ff. GWB

∘ 3.

0 4.

o 5.
15. To provide contextual information, rate the capacity of Procurement chamber - Vergabekammer §§ 155 ff. GWB to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
● 2- Medium Capacity (Please explain) The public procurement chamber only reviews at the request of a company that has an interest in the public contract or concession and asserts an infringement of its rights under Section 97 VI due to non-compliance with procurement regulations. It must be demonstrated that the company has suffered or is at risk of suffering damage as a result of the alleged breach of the procurement regulations, Sections 160 et seq. GWB. The examination is based on the written submissions submitted by the parties, but also on the contracting authority's files, which the contracting authority must make available to the procurement chamber and which the other parties can inspect.
The applicant should therefore present everything that could be relevant for clarifying the facts of the case. In addition, however, the awarding chamber also examines the tender documents to determine whether any fundamental breaches of the award procedure have been identified.
o 3- High Capacity (Please explain)
o Prefer not to answer
o Not Applicable
16. To provide contextual information, rate the capacity of Higher Regional Court - Oberlandesgerich
§§ 171 ff. GWB to undertake the policy tool's implementation and/or enforcement.

- ıt
- o 0- No Capacity (Please explain)
- 1- Low Capacity (Please explain)
- 2- Medium Capacity (Please explain) The parties to the proceedings may lodge an immediate appeal against the decision of the procurement chamber with the Higher Regional Court. According to Section 118 (1) GWB (Act against Restraints of Competition), the immediate appeal has a suspensive effect on the decision of the contracting authority. Essentially, this means that the contracting authority that is victorious before the procurement chamber cannot establish a fait accompli by suddenly awarding the contract, Section 114 (2) sentence 1 GWB, but is prevented from effectively awarding the contract for the duration of the suspensive effect. This suspensive effect and

notification of the decision by the procurement chamber.
o 3- High Capacity (Please explain)
o Prefer not to answer
o Not Applicable

the associated block on the award of the contract shall lapse no later than four weeks after

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			✓
entities			
2. Private companies			$\checkmark$
3. Financial institutions			$\checkmark$
4. Small and medium-			
sized enterprises			
5. State-owned	<b>✓</b>		
companies			
6. Not-for-profit			$\checkmark$
organizations			
7. Government			$\checkmark$
agencies and/or			
departments			
(supranational)			
8. Government	$\checkmark$		
agencies and/or			
departments (national)			
9. Government	✓		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government	✓		
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)	<b>✓</b>		
11. Government			
agencies and/or			
departments			
(unspecified)	<b>✓</b>		
12. Sectoral actors			
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			
Agriculture, forestry, and fishing			
Mining and quarrying			
Manufacturing			
Electricity, gas, steam, and air conditioning supply			
Water supply; sewerage; waste management and remediation activities			
Construction			
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			
Accommodation and food service activities			
Information and communication			
Financial and insurance activities			
Real estate activities			
Professional, scientific and technical activities			
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			
Human health and social work activities			
Arts, entertainment and recreation			
Other service activities			
Activities of households as employers; undifferentiated goods-and services-			
producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

\_\_\_\_\_

### 27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State-owned companies	Government agencies and/or departments (national)	Government agencies and/or departments (regional - e.g. state, province, region, metropolitan region)	Government agencies and/or departments (local - e.g. county, district, municipality, city)
Minimum number of employees (Enter min number of fulltime employees - FTEs)  Minimum revenue				
(Enter minimum revenue)				
Minimum assets (Enter minimum assets)				
Minimum contract value (Enter minimum contract value)	'- 5,538,000 for construction contracts and concessions - 143,000 for supply and service contracts from upper and supreme federal authorities - 443,000 for supply and service contracts from sector contracting authorities 221,000 for supply and service contracts from all other contracting authorities	'- 5,538,000 for construction contracts and concessions - 143,000 for supply and service contracts from upper and supreme federal authorities - 443,000 for supply and service contracts from sector contracting authorities 221,000 for supply and service contracts from all other contracting authorities	'- 5,538,000 for construction contracts and concessions - 143,000 for supply and service contracts from upper and supreme federal authorities - 443,000 for supply and service contracts from sector contracting authorities 221,000 for supply and service contracts from all other contracting authorities	'- 5,538,000 for construction contracts and concessions - 143,000 for supply and service contracts from upper and supreme federal authorities - 443,000 for supply and service contracts from sector contracting authorities 221,000 for supply and service contracts from all other contracting authorities
Entity is headquartered in the jurisdiction				
Entities are subjected to disclosure or				

reporting requirements				
28. Can entities for v comply or explain)?	vhom compliance wi	ith the policy tool is n	nandatory opt out of	<sup>:</sup> the obligation (e.g.
No				
∘ Yes				
30. Does the policy t entities' operations b		to entities' domestion?	operations, or does	it also apply to
<ul><li>Operations within</li></ul>	jurisdiction only			
o Operations beyond	d the jurisdiction			
o Not applicable				
32. What are the sai	nctions for non-comp	pliance? Select all the	at apply and describe	e in the text field.
☐ Monetary fine				
☐ Restriction on bus	iness activities			
✓ Voiding or setting	aside of contract			
Exclusion from go	vernment contracts			
☐ Award of damage	es or compensation			
☐ Penalty for senior	managers			
☐ Criminal penalties	i			
☐ Not specified				
□ Not applicable (e.g	g. in cases of volunto	ary tools)		
has set up the first dable to use this regisexclusion from a pro	ligitalised state regis ster to determine who curement rprocedure	egister Act (WRegG). Ster - the Competition ether a bidder has m e. Authorities report a any can check wheth	n Register. Contracting andatory or optional offences committed o	ng authorities are I grounds for and over 30,000

exclusion before awarding the contract. Companies are registered if they have been convicted with
final and binding effect or if they have been issued with penalty orders or final fines for offences that
lead to mandatory exclusion under Section 123 (1) and (4) of the Act against Restraints of
Competition (GWB).
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
○ Average
Above average
o Not applicable
• Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
∘ Average
Above average
<ul><li>Above average</li><li>Not applicable</li></ul>
<ul> <li>Not applicable</li> </ul>
<ul> <li>Not applicable</li> </ul>
Not applicable      Unknown or prefer not to answer
<ul> <li>Not applicable</li> <li>Unknown or prefer not to answer</li> <li>37. Have the climate-specific provisions in this instrument ever been enforced?</li> </ul>
<ul> <li>Not applicable</li> <li>Unknown or prefer not to answer</li> <li>37. Have the climate-specific provisions in this instrument ever been enforced?</li> <li>No (If relevant, explain)</li> </ul>

38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

The climate specific criteria from the GWB regulation are being taken into consideration by the authorities conducting public procurement procedures by including them into the scope of application
documentation, by including them as entry and award criterion and also as assessment criteria for
the submitted offers.
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
∘ No
● Yes
40 Describe the manifestion of the state of the selection
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
German Federal Cartel Office monitors the compliance with the GWB.
41. Does the policy tool recommend or require periodic impact assessments?
No
<ul> <li>Recommended</li> </ul>
o Required
43. Does the policy tool recommend or require periodic reviews?
No
○ Recommended
∘ Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with

subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating

agencies, forming working groups, etc.)?

● No
o Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No     No
∘ Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions				
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?				
○ No				
Allowed and/or recommended				
○ Required				
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.				
An optional reason for exclusion for companies is the demonstrable breach of environmental obligations in the performance of a public contract, Section 124 I No. 1 GWB. It is also possible to take environmental aspects into account as part of the award criteria, provided these are related to the subject matter of the contract, i.e. those that are directly related to the product or service tendered, Section 127 III GWB. For example, ingredients, energy and fuel consumption. Environmental aspects can also be used in the evaluation of tenders, Section 127 I GWB, in order to determine the most economical tender, e.g. electricity and water consumption or life cycle costs Public procuring entities can make environmental criteria the subject of the performance of the contract within the framework of the performance conditions, e.g. transportation, packaging, take-back, report on CO2 emissions and information on reduction measures during the term of the contract or availability of spare parts, Section 128 II GWB. The connection with the subject matter of the contract must also be given here.				

202. Does the policy tool set targets in relation to climate-aligned procurement? Select all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			

Other Text:It is also possible to take environmental aspects into account as part of the award criteria, provided these are related to the subject matter of the contract, i.e. those that are directly related to the product or service tendered, Section 127 III GWB. For example, ingredients, energy and fuel consumption. Environmental aspects can also be used in the evaluation of tenders, Section 127 I GWB, in order to determine the most economical tender, e.g. electricity and water consumption or life cycle costs Public procuring entities can make environmental criteria the subject of the performance of the contract within the framework of the performance conditions, e.g. transportation, packaging, take-back, report on CO2 emissions and information on reduction measures during the term of the contract or availability of spare parts, Section 128 II GWB. The connection with the subject matter of the contract must also be given here.

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Procurement Cycle	
	-

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			_
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			$\checkmark$
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on	_		
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult	_		_
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or	_	_	<del>-</del>
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			
Stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
o No
o Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.
Life cycle costs play a role in the determination of requirements, service description and award criteria, as the contract is to be awarded to the most economical tender, Section 127 I 1 GWB. In order to take life cycle costs into account as part of the specification of services, it may be required, for example, that appliances have a certain minimum service life, do not exceed a certain power consumption or that buildings are constructed in such a way that they meet certain standards, for example with regard to thermal insulation, room heating or air conditioning.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
No     No
o Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.

No

<ul><li>Allow/recommend</li></ul>	
○ Require	
Tendering or Solicitation Stage	

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds			
based on compliance			
with climate			
obligations			
Qualification or	<b>✓</b>		
selection criteria			
related to climate			
change			
Including climate or			
environmental			
considerations when			
calculating value for			
money, including			
through the use of life-			
cycle or whole-life costing			
Technical			
specifications (e.g.			
setting minimum levels			
of energy efficiency or			
maximum product			
carbon emissions)			
Contract award			
criteria or value for			
money evaluation			
frameworks (e.g.			
minimum			
scores/performance			
levels under climate- related criteria,			
preferences for climate			
or sustainable			
products)			
Other procurement	$\checkmark$		
stage allowances,			
recommendations or			
requirements			
Qualification or Selection	n Criteria		

228. Which of the following do the qualification or selection criteria relate to? Select all that apply.
□ Previous experience related to climate-relevant aspects of the contract
□ Existence of net zero targets or commitments
Record of climate-related disclosures
□ Climate-related transition plan in place
Staff training or qualifications linked to climate change mitigation and/or sustainability
Corporate systems or certifications linked to climate change and/or sustainability
□ Environmental and/or risk-based due diligence procedures
Corporate systems or certifications linked to climate change and/or sustainability (e.g. an environmental management system or supply chain management system)
Participation in national or international climate initiatives (e.g.: Race to Zero, SBTi, CDP)
□ Other
237. Describe how records of climate-related disclosures are set as a part of qualification of selection criteria, referencing the relevant section/subsection/paragraph of the policy tool.
Life-cycle costing or whole-life costing
Contract Award Criteria
Other Allowances, Recommendations, or Requirements

**Contract Performance** 

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249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
No     No
o Allowed and/or recommended
∘ Required
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No     No
o Allowed and/or recommended
∘ Required
Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			<b>✓</b>
2. The jurisdiction's			<b>✓</b>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			$\checkmark$
4. IFRS S2			$\checkmark$
5. Task Force on Climate-			✓
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			$\checkmark$
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting			
Standard			
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)	_	_	
10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			<b>✓</b>
11. United Nations			
Sustainable Development			
Goals (SDGs)  12. ISO 20400 Sustainable			<b>✓</b>
Procurement			
13. EU Green Public			<b>✓</b>
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			
Bank Guidelines for			
Sustainable Procurement			
17. African Development			<b>✓</b>
Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American			$\checkmark$	
Development Bank Green				
Procurement Guidelines				
19. EDBR Project				
Requirements/Environmental				
and Social Action Plan				
20. World Bank				
Environmental and Social				
Framework				
21. Other		$\checkmark$		
263. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.				
Quality label: UMS, EMAS, ISO 1	14001, Blauer Engel, sir	<u>nilar</u>		
Additional Important Information				

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

# Policy Tool Name: Public Procurement Ordinance - Vergabeverordnung (VgV)

3. Source material link(s): https://web.archive.org/web/20240806122528/https://www.gesetze-im-internet.de/vgv_2016/BJNR062410016.html
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
□ Climate-related disclosure
□ Transition planning
Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
☐ Head of state and/or government
□ Independent regulatory or supervisory body
<b>✓</b> Legislature
☐ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2016</u>

10. Does the policy tool have an end date?
No     No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
This Act contains more detailed provisions on the procedure to be followed for the award of public contracts subject to Part 4 of the Act against Restraints of Competition and for the organization of design contests by contracting authorities. This Ordinance shall not apply to the award of contracts by sectoral contracting authorities for the purpose of exercising a sectoral activity, defense or security-specific contracting authorities and concessions by concession awarding authorities. This Regulation implements Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94 of March 28, 2014, p. 65).  The VqV contains specific explanations about award procedures and the organization of
competitions. The basis for the issuance of the procurement regulations are § 113 and § 114 II GWB (Law against Restraints of Competition).
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>Procurement chamber</u>
o 3.
o <b>4</b> .
⋄ 5.

15. To provide contextual information, rate the capacity of Procurement chamber to undertake the policy tool's implementation and/or enforcement.

o 0- No Capacity (Please explain)

- 1- Low Capacity (Please explain)
- 2- Medium Capacity (Please explain) The public procurement chamber only reviews at the request of a company that has an interest in the public contract or concession and asserts an infringement of its rights under Section 97 VI due to non-compliance with procurement regulations. It must be demonstrated that the company has suffered or is at risk of suffering damage as a result of the alleged breach of the procurement regulations, Sections 160 et seg. GWB. The examination is based on the written submissions submitted by the parties, but also on the contracting authority's files, which the contracting authority must make available to the procurement chamber and which the other parties can inspect.

The applicant should therefore present everything that could be relevant for clarifying the facts of the
case. In addition, however, the awarding chamber also examines the tender documents to determine whether any fundamental breaches of the award procedure have been identified.
whether any fundamental breaches of the award procedure have been identified.
o 3- High Capacity (Please explain)
o Prefer not to answer
o Not Applicable
16. To provide contextual information, rate the capacity of Higher Regional Court to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
© 2- Medium Capacity (Please explain) The parties to the proceedings may lodge an immediate appeal against the decision of the procurement chamber with the Higher Regional Court. According to Section 118 (1) GWB (Act against Restraints of Competition), the immediate appeal has a suspensive effect on the decision of the contracting authority. Essentially, this means that the contracting authority that is victorious before the procurement chamber cannot establish a fait accompli by suddenly awarding the contract, Section 114 (2) sentence 1 GWB, but is prevented from effectively awarding the contract for the duration of the suspensive effect. This suspensive effect and the associated block on the award of the contract shall lapse no later than four weeks after notification of the decision by the procurement chamber.
o Prefer not to answer
o Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			✓
entities			
2. Private companies		✓	
3. Financial institutions			
4. Small and medium-		<b>✓</b>	
sized enterprises			
5. State-owned	$\checkmark$		
companies			
6. Not-for-profit			
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government	•		
agencies and/or			
departments (national)	<b>✓</b>		_
9. Government			
agencies and/or			
departments (regional			
- e.g., state, province, region, metropolitan			
region)			
10. Government	<b>✓</b>		
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government	<b>✓</b>		
agencies and/or			_
departments			
(unspecified)			
12. Sectoral actors	<b>✓</b>		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

-----

26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			
Agriculture, forestry, and fishing	<b>⊘</b>		
Mining and quarrying	<b>✓</b>		
Manufacturing	<b>✓</b>		
Electricity, gas, steam, and air conditioning supply			<b>&gt;</b>
Water supply; sewerage; waste management and remediation activities			
Construction			
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			<b>&gt;</b>
Accommodation and food service activities	$\checkmark$		
Information and communication	<b>⊘</b>		
Financial and insurance activities	<b>✓</b>		
Real estate activities	<b>✓</b>		
Professional, scientific and technical activities			
Administrative and support service activities	<b>2</b>		
Public administration and defense; compulsory social security			
Education	<b>✓</b>		
Human health and social work activities	$\checkmark$		
Arts, entertainment and recreation	<b>⊘</b>		
Other service activities			✓
Activities of households as employers; undifferentiated goods-and services- producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

\_\_\_\_\_\_

\_\_\_\_\_

### 27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	Financia I instituti ons	State- owned compan ies	Governm ent agencies and/or departme nts (supranat ional)	Govern ment agencie s and/or departm ents (nationa I)	Govern ment agencie s and/or departm ents (regiona I - e.g. state, province , region, metropo litan region)	Govern ment agencie s and/or departm ents (local - e.g. county, district, municip ality, city)	Govern ment agencie s and/or departm ents (unspeci fied)	Sectoral actors (e.g. healthc are, defense, utilities, educati on)
Minimum number of employee s (Enter min number of full- time employee s - FTEs)								
Minimum revenue (Enter minimum revenue)  Minimum								
assets (Enter minimum assets)								
Minimum contract value (Enter minimum contract value)	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constructi on contracts EUR 5,538,000 / Social	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR	Supplies and services for public clients EUR 221,000 / Constru ction contract s EUR

	5,538,0 00 / Social and	5,538,0 00 / Social and	and other special services for public	5,538,0 00 / Social and				
	other special	other special	clients EUR	other special	other special	other special	other special	other special
	services	services	750,000	services	services	services	services	services
	for public clients EUR	for public clients EUR		for public clients EUR	for public clients EUR	for public clients EUR	for public clients EUR	for public clients EUR
	750,000	750,000		750,000	750,000	750,000	750,000	750,000
Entity is headquar tered in the jurisdiction								
Entities are subjected								
to disclosur								
e or reporting requirem								
ents								

28. Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?

22.14.0
No     No
∘ Yes
30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?
o Operations within jurisdiction only
Operations beyond the jurisdiction
o Not applicable

31. What are the specific obligations and conditions for entities' operations beyond the jurisdiction? Please reference the relevant section/subsection/paragraph of the policy tool.
The award takes place throughout the European Union, so that companies from other EU member states also have to meet the same criteria in order to have a chance of winning the government contract.
32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
☐ Monetary fine
Restriction on business activities
✓ Voiding or setting aside of contract
Exclusion from government contracts
☐ Award of damages or compensation
☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
Other The entry in the Competition Register Act (WRegG). On this basis, the Federal Cartel Office has set up the first digitalised state register - the Competition Register. Contracting authorities are able to use this register to determine whether a bidder has mandatory or optional grounds for exclusion from a procurement rprocedure. Authorities report offences committed and over 30,000 contracting authorities throughout Germany can check whether there are objective grounds for exclusion before awarding the contract. Companies are registered if they have been convicted with final and binding effect or if they have been issued with penalty orders or final fines for offences that lead to mandatory exclusion under Section 123 (1) and (4) of the Act against Restraints of Competition (GWB).
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
∘ Average
○ Above average

o Not applicable
Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
○ Below average
∘ Average
○ Above average
○ Not applicable
<ul><li>Unknown or prefer not to answer</li></ul>
37. Have the climate-specific provisions in this instrument ever been enforced?
o No (If relevant, explain)
Yes
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
In public procurements authorities include sustainability or net zero policies of companies as a procurement criterion, which is being considered within the decision process.
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
○ No

40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.

Checking the accuracy of the data provided regarding the subject of the award and the existence of the company's suitability criteria.

- § 33 Evidence provided by certificates from conformity assessment bodies
- (1) As evidence that a delivery or service corresponds to certain characteristics required in the service description, the public contracting authority may request the presentation of certificates, in particular test reports or certifications, from a conformity assessment body. If the presentation of a certificate from a specific conformity assessment body is required, the contracting authority must also accept certificates from equivalent other conformity assessment bodies.
- (2) The contracting authority shall also accept appropriate documents other than those referred to in section (1), in particular a technical dossier from the manufacturer, if the undertaking did not have access to the certificates referred to in section (1) or had no opportunity to obtain them within the relevant time limits, provided that the company is not responsible for the lack of access. In the cases of sentence 1, the company must prove through the documents submitted that the service to be provided by it meets the specified requirements.
- (3) A conformity assessment body is a body established in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 on the requirements for accreditation and market surveillance in relation to the marketing of products and repealing accredited to Council Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30) and carries out conformity assessment activities.
- § 34 Evidence through quality marks
- (1) As evidence that a delivery or service corresponds to certain characteristics required in the service description, the public contracting authority may request the presentation of quality marks in accordance with II to V.
- (2) The quality mark must meet all of the following conditions:
- 1.All requirements of the quality mark are suitable for determining the characteristics of the service and are related to the subject matter of the order in accordance with § 31 III.
- 2.The requirements of the quality mark are based on objectively verifiable and non-discriminatory criteria.
- 3.The quality mark was developed as part of an open and transparent process in which all interested parties can participate.
- 4.All affected companies have access to the quality mark.
- 5.The requirements were set by a third party over whom the company acquiring the label could not exercise significant influence.
- (3) In the event that the service does not have to meet all the requirements of the quality mark, the public contracting authority must specify the relevant requirements.
- (4) The public contracting authority must accept other quality marks that place equivalent demands on the service.
- (5) If, for reasons that cannot be attributed to it, a company was demonstrably unable to obtain the quality mark specified by the contracting authority or an equivalent quality mark within a relevant period of time, the contracting authority must accept other appropriate evidence, provided that the company can prove this that the service to be provided by him meets the requirements of the required quality mark or the specific requirements specified by the contracting authority.

§ 42 Selection of suitable companies; Exclusion of applicants and bidders

(1) The public contracting authority checks the suitability of the applicants or bidders based on the suitability criteria set out in § 122 of the Act Against Restraints of Competition and the absence of grounds for exclusion in accordance with §§ 123 and 124 of the Act Against Restraints of Competition and, if necessary, any self-cleaning measures taken by the applicant or bidder § 125 of the Act Against Restraints of Competition and, if necessary, excludes applicants or bidders from the procurement process.

§ 49 Evidence of compliance with quality assurance and environmental management standards
(1) If the contracting authority requires the submission of certificates from independent bodies as evidence that applicants or tenderers meet certain quality assurance standards, the contracting authority shall refer to quality assurance systems that

1.meet the relevant European standards and

2.are certified by accredited bodies.

The public client also recognizes equivalent certificates from accredited bodies from other countries. If an applicant or tenderer was unable to obtain the certificates in question within a reasonable period of time for reasons beyond his control, the contracting authority must also recognize other documents on equivalent quality assurance systems, provided that the applicant or tenderer proves that the proposed quality assurance measures meet the requirements meet the required quality assurance standards.

(2) If the public contracting authority requires the presentation of certificates from independent bodies as evidence that applicants or tenderers comply with certain environmental management systems or standards, the public contracting authority shall refer this

<u>1.either to the Community environmental management and audit system EMAS of the European Union or</u>

2.to others pursuant to Article 45 of Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organizations in a Community environmental management and audit scheme and repealing Regulation (EC) No. 761/2001, as well as Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342 of 22.12.2009, p. 1) recognized environmental management systems or

<u>3.to other environmental management standards based on relevant European or international standards and certified by accredited bodies.</u>

The contracting authority also recognizes equivalent certificates from bodies in other countries. If an applicant or tenderer has demonstrably had no access to the certificates in question for reasons beyond his control or was unable to obtain them within the relevant deadlines for reasons beyond his control, the contracting authority must also do so accept other documentation of equivalent environmental management measures, provided that the applicant or tenderer demonstrates that these measures are equivalent to those required by the applicable environmental management system or standards.

§ 50 Uniform European self-declaration

(1) The Single European Self-Declaration is in the form set out in Annex 2 to Commission
Implementing Regulation (EU) 2016/7 of 5 January 2016 introducing the standard form for the Single
European Self-Declaration (OJ L 3, 6.1.2016, p. 16). Applicants or tenderers may re-use a Single
European Self-Declaration already used in a previous contract award, provided that they confirm that

the information contained therein remains accurate.

- (2) When submitting a uniform European self-declaration, the contracting authority may, at any time during the procedure, request applicants or tenderers to provide all or part of the documents required under §§ 44 to 49 if this is necessary to carry out the procedure appropriately. Before awarding the contract, the contracting authority requests the tenderer to whom it wishes to award the contract to provide the required documents.
- (3) Notwithstanding paragraph 2, applicants or bidders do not have to provide any documents if and to the extent that the contract awarding authority
- 1.can obtain the documents via a database within the European Union free of charge for the public contracting authority, in particular as part of a prequalification system or
- 2.already has the documents.
- § 67 Procurement of energy consumption-related supplies or services
- (1) If energy-related goods, technical devices or equipment are the subject of a delivery or are an essential prerequisite for the performance of a service (energy-related deliveries or services), the requirements of Abs. 1-5 must be observed.
- (2) The service description should in particular set the following requirements with regard to energy efficiency:
- 1. the highest performance level of energy efficiency and,
- 2. If available, the highest energy efficiency class within the meaning of the Energy Consumption Labeling Ordinance.
- (3) The following information must be requested from bidders in the service description or in another appropriate place in the tender documents:
- 1. concrete information on energy consumption, unless the goods, technical devices or equipment offered on the market differ only slightly in terms of permissible energy consumption, and
- 2. in appropriate cases
- a) an analysis of minimized life cycle costs or
- b) the results of a method for checking economic efficiency comparable to letter a.
- (4) The contracting authority may check information submitted in accordance with § 3 and request additional explanations from the bidders.
- (5) When determining the most economical offer, the energy efficiency to be determined based on the information in accordance with Abs. (3) or the results of a review in accordance with Abs. (4) must be appropriately taken into account as an award criterion. Section 67 of the Procurement Ordinance serves to implement the following guidelines:
- Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the declaration of the consumption of energy and other resources by energy-related products by means of uniform labels and product information (OJ L 153, 18.6.2010, p. 1),
- Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/ EC (OJ L 315, 14.11.2012, p. 1).


41. Does the policy tool recommend or require periodic impact assessments?

No     No
∘ Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
No     No
o Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No     No
∘ Yes
o Yes
o Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?   No
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?   No
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?   No
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?  No  Yes

197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

<u>None</u>		

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
∘ No
Allowed and/or recommended
o Required

201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.

§67 II, III VqV: If energy-related goods, technical devices or equipment are the subject of a delivery or are an essential prerequisite for carrying out a service, then attention must be paid to the energy efficiency of the product. For this purpose, the energy consumption and the life cycle costs should be stated or a similar method should be used to check the economic efficiency. Requirements may be placed on the environmental friendliness of bidding companies. The following suitability criteria are particularly useful for including environmental aspects: - References about services provided with an environmental connection (§ 46 I No. 1 VqV), - appropriately trained staff (§ 46 I No. 2 VqV), technical equipment (§ 46 I No. 3 VqV), e.g. B. low-emission devices used in the provision of services, - special monitoring systems for supply chains (§ 46 I No. 4 VqV) and - the indication of environmental management measures (§§ 46 I No. 7, 49 VqV), such as: E.g. EMAS §58 I VqV: "The contract will be awarded to the most economical offer in accordance with § 127 GWB." § 58 II VqV makes it clear that the price alone should not be decisive: "The most economical offer is determined on the basis of the best In addition to the price or costs, qualitative, environmental or social award criteria can also be taken into account, in particular: [...] A wide variety of criteria can be used, as the list in Section 58 II VqV makes clear. Environmental properties of the service or goods are therefore expressly permitted as award criteria. Life cycle costs may be taken into account when purchasing goods and services, § 59 VqV. The fact that they are also taken into account within the scope of the service description does not imply any inadmissible double evaluation. The life cycle cost calculation methods include acquisition costs, usage costs, maintenance costs, end-of-life costs and costs arising from environmental externalities linked to the tendered service during its life cycle, provided that its monetary value can be determined and verified (e.g. costs of emitting greenhouse gases or other pollutants), § 59 II VqV. Operating and follow-up costs associated with the procurement of a product may be expressly taken into account by public contracting authorities as award criteria, § 59 II VqV. "Costs arising from the environmental externalities associated with the service during its life cycle, provided that its monetary value can be determined and verified in accordance with §59 III VqV; such costs may include costs of emissions of greenhouse gases and other pollutants and other costs of mitigating climate change."

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202.	Does the	policy	tool set	taraets in	relation t	to climate-c	alianed	procurement?	Select all	that	/lagp	/

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			$\checkmark$
aside a portion of their	_	_	
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

208. Is there a central publication point?
o No
• Yes (Describe) The contracting authority shall send a procurement notice containing the results of
the procurement procedure to the Publications Office of the European Union via the Public Purchasing Data Service no later than 30 days after the award of a public contract or after the conclusion of a framework agreement, § 39 VgV. Notices are published by the Publications Office of the European Union. Notices may be published at national level only after publication by the Publications Office of
the European Union or 48 hours after confirmation of receipt of the notice by the Publications Office
of the European Union, § 40 VgV.
In the contract notice or the request for confirmation of interest, the contracting authority provides an electronic address at which the procurement documents can be accessed free of charge, without restrictions, completely and directly, § 41 VgV.  Proof of the suitability of the company or compliance with the environmental criteria for the subject of
the award can be provided through quality marks or other equally suitable verification methods, §§
33, 34, 42, 45, 46, 49, 50 VqV.
The contracting authority is also obliged to publish a procurement notice vie the eFORMS on the
European Tender web portal prior to launching the tender period. As per § 10 para 2. VgV the
procurement notice shall contain as facultative aspects also social and environmental aspects,
including the data fields for the procurement of clean road vehicles.
Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
∘ No
Allow and/or recommend
o Require

218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.

§ 59 VgV - Calculation of life cycle costs						
(1) The contracting authority may specify that the award criterion "costs" is calculated on the basis of						
the life cycle costs of the service.						
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-						
life costing only apply to certain types of contract/tender?						
No						
Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)						
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.						
∘ No						
<ul> <li>Allow/recommend</li> </ul>						
Require o § 59 (2) The contracting authority shall indicate the method for calculating the life						
cycle costs and the information to be provided by the company for the calculation in the contract						
notice or the tender documents. The calculation method may include						
o 1.the acquisition costs.						
o 2.the usage costs, in particular the consumption of energy and other resources,o 3.the						
maintenance costs.						
o 4.Costs at the end of the useful life, in particular collection, disposal or recycling costs, or						
o 5.Costs arising from the environmental externalities associated with the service during its life						
cycle, provided that its monetary value can be determined and verified in accordance with Abs. (3):						
such costs may include costs of emitting greenhouse gases and other pollutants and other costs of						
mitigating climate change.						
o (3) The method for calculating the costs arising from the external effects of environmental						
pollution must meet the following conditions:						
been developed for repeated or long-term use, it may neither favor nor disadvantage certain						
companies.						
<u>3. the information required for the calculation can be obtained from undertakings carrying out</u> <u>their usual due diligence, including undertakings from third countries which are subject to the</u>						
Government Procurement Convention 1994 (OJ C 256, 3.9.1996, p. 1), as amended by the Protocol						
amending the Agreement on Government Procurement (OJ L 68, 7.3.2014, p. 2) or other international						
<u>agreements binding on the European Union.</u>						

0	(4) If a method for calculating life cycle costs has been made mandatory by a legal act of the
<u>Europ</u>	ean Union, the contracting authority must specify this method.
Tend	ering or Solicitation Stage
Cila	or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or			
debarment grounds			
based on compliance			
with climate			
obligations	<b>✓</b>		
Qualification or selection criteria			
related to climate			
change			
Including climate or	<b>✓</b>		
environmental			
considerations when			
calculating value for			
money, including			
through the use of life-			
cycle or whole-life			
costing			
Technical			
specifications (e.g.			
setting minimum levels			
of energy efficiency or			
maximum product			
carbon emissions) Contract award	<b>✓</b>		
criteria or value for			
money evaluation			
frameworks (e.g.			
minimum			
scores/performance			
levels under climate-			
related criteria,			
preferences for climate			
or sustainable			
products)			
Other procurement			
stage allowances,			
recommendations or			
requirements			
Exclusion or Debarment	Grounds		
באכועסוטוו טו בטעוווופוונ	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds?
○ No
● Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool) The regulation refers in § 42 I VgV to Section 124 GWB for the suitability criteria of a company according to which a company that has violated environmental protection regulations can be classified as unsuitable.
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.
Absence of convictions/prosecutions for climate and/or environmental offences
☐ Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.
$\hfill\square$ Poor performance and/or failure to evidence progress on corporate climate and environmental policies
$\hfill\square$ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds
□ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool)
Qualification or Selection Criteria
228. Which of the following do the qualification or selection criteria relate to? Select all that apply.
☐ Previous experience related to climate-relevant aspects of the contract
☐ Existence of net zero targets or commitments
☐ Record of climate-related disclosures
□ Climate-related transition plan in place
☐ Staff training or qualifications linked to climate change mitigation and/or sustainability
Corporate systems or certifications linked to climate change and/or sustainability

□ Environmental and/or risk-based due diligence procedures
Corporate systems or certifications linked to climate change and/or sustainability (e.g. an environmental management system or supply chain management system)
☐ Participation in national or international climate initiatives (e.g.: Race to Zero, SBTi, CDP)
✓ Other § 49 VgV
Life-cycle costing or whole-life costing
Contract Award Criteria
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
No
Allowed and/or recommended
o Required
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No     No
o Allowed and/or recommended

<ul> <li>Required</li> </ul>					
Standards, F	rameworks, c	ınd Guidelines			

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor
1 Davis Assessment			referenced
1. Paris Agreement			
2. The jurisdiction's			
Nationally Determined			
Contribution (NDC) 3. IFRS S1			
4. IFRS S2			
5. Task Force on Climate-			
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard 7. CLIC Protocol Corporate			
7. GHG Protocol Corporate Value Chain (Scope 3)			
Accounting and Reporting			
Standard			
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			
initiative (SBTi) Net Zero	_		
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			
1 Tocarement Julianice Note			

Development Bank Green Procurement Guidelines					
19. EDBR Project Requirements/Environmental and Social Action Plan					
20. World Bank Environmental and Social Framework					
21. Other		<b>✓</b>			
263. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.  § 49 VgV refers to either the EU Community eco-management and audit scheme drafted by EMAS of the European Union or to any other environmental management and audit schemes in accordance with Article 45 of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme and repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/					
https://www.gesetze-im-interne	et.de/vgv_2016/				
Additional Important Information					

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

## Policy Tool Name: Sector regulation - Sektorverordnung (SektVO)

$3. \ \ Source\ material\ link(s):\ https://web.archive.org/web/20240806132107/https://www.gesetze-iminternet.de/sektvo\_2016/BJNR065700016.html$
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
☐ Climate-related disclosure
☐ Transition planning
✓ Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
☐ Head of state and/or government
☐ Independent regulatory or supervisory body
✓ Legislature
□ Judiciary
☐ Ministry/Department/Agency
☐ Other (Please describe)
7. Status of the policy tool
• Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2016</u>
10. Does the policy tool have an end date?

● No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
This regulation provides more detailed provisions on the procedure to be followed when awarding contracts subject to Part 4 of the Act against Restraints of Competition and organizing competitions for the purpose of activities in the field of drinking water or energy supply or transport (sector activities) by sector clients, § 1   SektVO.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
○ 2.
○ 3.
o <b>4</b> .
o 5.
15. To provide contextual information, rate the capacity of Public Procurement Chamber to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
• 2- Medium Capacity (Please explain) The public procurement chamber only reviews at the request

● 2- Medium Capacity (Please explain) The public procurement chamber only reviews at the request of a company that has an interest in the public contract or concession and asserts an infringement of its rights under Section 97 VI due to non-compliance with procurement regulations. It must be demonstrated that the company has suffered or is at risk of suffering damage as a result of the alleged breach of the procurement regulations, Sections 160 et seq. GWB. Accordingly, the procurement chamber does not check on its own initiative whether the contracting authorities are

proceeding correctly. The company must know the regulations well enough to be able to assert an infringement. The examination is based on the written submissions submitted by the parties, but also on the contracting authority's files, which the contracting authority must make available to the procurement chamber and which the other parties can inspect.

The applicant should therefore present everything that could be relevant for clarifying the facts of the case. In addition, however, the awarding chamber also examines the tender documents to determine whether any fundamental breaches of the award procedure have been identified.

o 3- High Capacity (Please explain)
o Prefer not to answer
o Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			✓
entities			
2. Private companies			
3. Financial institutions			
4. Small and medium-			$\checkmark$
sized enterprises			
5. State-owned	<b>✓</b>		
companies			
6. Not-for-profit			$\checkmark$
organizations			
7. Government		$\checkmark$	
agencies and/or			
departments			
(supranational)			
8. Government			
agencies and/or			
departments (national)			
9. Government		<b>✓</b>	
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government		•	
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city) 11. Government		<b>✓</b>	
agencies and/or departments			
(unspecified)			
12. Sectoral actors	<b>✓</b>		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			
10. 00101			ш

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			✓
Agriculture, forestry, and fishing			<b>\</b>
Mining and quarrying			✓
Manufacturing			✓
Electricity, gas, steam, and air conditioning supply	<b>✓</b>		
Water supply; sewerage; waste management and remediation activities			
Construction			<b>✓</b>
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			<b>&gt;</b>
Accommodation and food service activities			<b>Y</b>
Information and communication			<b>&gt;</b>
Financial and insurance activities			<b>&gt;</b>
Real estate activities			<b>✓</b>
Professional, scientific and technical activities			<b>Y</b>
Administrative and support service activities			<b>&gt;</b>
Public administration and defense; compulsory social security			
Education			✓
Human health and social work activities			<b>\</b>
Arts, entertainment and recreation			
Other service activities			$\checkmark$
Activities of households as employers; undifferentiated goods-and services-			
producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

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27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State-owned companies	Sectoral actors (e.g. healthcare, defense, utilities, education)
Minimum number of employees (Enter min number of full-time employees - FTEs)		
Minimum revenue (Enter minimum revenue)		
Minimum assets (Enter minimum assets)		
Minimum contract value (Enter minimum contract value)	Delivery services & services: 443.000 €/Social and other special services: 1.000.000 €	Delivery services & services: 443.000 €/Social and other special services: 1.000.000 €
Entity is headquartered in the jurisdiction		
Entities are subjected to disclosure or reporting requirements		Not applicable to the award of defense or security-specific public contracts. The Ordinance on the Award of Concessions applies to procurement by means of concessions within the meaning of § 105 of the Act Against Restraints of Competition.

28. Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?
No     No
∘ Yes
30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?
o Operations within jurisdiction only
Operations beyond the jurisdiction
o Not applicable

31. What are the specific obligations and conditions for entities' operations beyond the jurisdiction? Please reference the relevant section/subsection/paragraph of the policy tool.
The sector regulation applies as soon as the EU threshold is exceeded. An EU-wide tender is then required, so that companies outside of Germany also have to meet the award criteria if they want to be awarded a contract.
32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
Monetary fine <u>Awarding authorities may put in the contract clause with monetary fine for non-compliance</u>
☐ Restriction on business activities
Voiding or setting aside of contract <u>Awarding authorities may put in the contract clause for setting</u> <u>aside of the contract in case of non-compliance</u>
Exclusion from government contracts
Award of damages or compensation
Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
□ Other
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
○ Average
Above average
o Not applicable
• Unknown or prefer not to answer

35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
○ Average
Above average
o Not applicable
• Unknown or prefer not to answer
37. Have the climate-specific provisions in this instrument ever been enforced?
No (If relevant, explain) Not aware with regard to that question
∘ Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
No     No
∘ Yes
41. Does the policy tool recommend or require periodic impact assessments?
No     No
○ Recommended
○ Required
43. Does the policy tool recommend or require periodic reviews?
No     No
∘ Recommended
○ Required

45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No     No
o Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No     No
∘ Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
○ No
Allowed and/or recommended
○ Required
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.
The scope of application of § 58 I SektVO is limited to technical devices and equipment and does not relate the requirements to services. There is no obligation to demand the highest performance level of the highest energy efficiency class. However, information on energy consumption must be requested. The information on energy consumption can be taken into account at our discretion when awarding the contract, § 58 II SektVO.

202 Does the policy	tool set targets in relation	on to climate-alianed	procurement? Selec	t all that apply
ZUZ. DUCS the puncy	tool set talgets ill leiatic	ni to cilinate aliquea	procureries. Seree	t an that appry.

	Allowed/recommended	Required	Not applicable
A minimum percentage of			
tenders/contracts which must			
include climate-related			
criteria			
A minimum number of			
climate-related criteria to be			
included in			
purchases/tenders			
A minimum value of			
procurement spend which			
must include climate-related			
criteria			
A maximum amount of			
greenhouse gas emissions			
associated with			
tenders/contracts (i.e. a			
carbon ceiling/envelope)			
Targets for the reduction of			
fossil fuel energy			
consumption associated with			
tenders/contracts			
Targets for the procurement			
of products which have a			
third-party sustainability certification/ ecolabel/			
voluntary sustainability			
standard			
Other (Please describe and	<b>✓</b>		
reference the			
section/subsection/paragraph			
of the policy tool relevant to			
other climate-aligned			
procurement targets)			
Other Text:Energy-efficient prod	ucts can be taken into acc	count when awarding	the contract, § 58
SektVO. Environmental criteria c			=
aspects can be taken into accou		· · · · · · · · · · · · · · · · · · ·	
aspects carries taken into accou	The interior dividital criticina, 3	OZ OCKLY O.	
Procurement Cycle			
-			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
No
o Allow and/or recommend
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or			
debarment grounds			
based on compliance			
with climate			
obligations			
Qualification or			
selection criteria			
related to climate			
change			
Including climate or			
environmental			
considerations when			
calculating value for			
money, including			
through the use of life-			
cycle or whole-life			
costing		_	
Technical			
specifications (e.g.			
setting minimum levels			
of energy efficiency or			
maximum product			
carbon emissions)	✓		
Contract award			
criteria or value for			
money evaluation frameworks (e.g.			
minimum			
scores/performance			
levels under climate-			
related criteria,			
preferences for climate			
or sustainable			
products)			
Other procurement			<b>✓</b>
stage allowances,			
recommendations or			
requirements			
Exclusion or Debarment	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds?
No     No
o Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool)
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.
Absence of convictions/prosecutions for climate and/or environmental offences
Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.
$\hfill\square$ Poor performance and/or failure to evidence progress on corporate climate and environmental policies
$\hfill\square$ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds
□ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool)
226. Describe and reference the section/subsection/paragraph of the policy tool relevant to climate-responsible business conduct as a condition of exclusion or debarment grounds.
Qualification or Selection Criteria
228. Which of the following do the qualification or selection criteria relate to? Select all that apply.
□ Previous experience related to climate-relevant aspects of the contract
$\square$ Existence of net zero targets or commitments
☐ Record of climate-related disclosures

□ Climate-related transition plan in place
□ Staff training or qualifications linked to climate change mitigation and/or sustainability
Corporate systems or certifications linked to climate change and/or sustainability
□ Environmental and/or risk-based due diligence procedures
Corporate systems or certifications linked to climate change and/or sustainability (e.g. an environmental management system or supply chain management system)
□ Participation in national or international climate initiatives (e.g.: Race to Zero, SBTi, CDP)
□ Other
Life-cycle costing or whole-life costing

241. Describe how life-cycle costing or whole-life costing is allowed, recommended, or required at the tendering or solicitation stage, referencing the relevant section/subsection/paragraph of the policy tool.

Here's how the SektVO addresses LCC, with references to specific paragraphs:

## Allowance of Life-Cycle Costing:

The SektVO explicitly allows for the use of Life-Cycle Costing in the procurement process. This is articulated in § 58 Abs. 2 SektVO, which states that contracting entities may take into account the life-cycle costs of goods, services, or works when awarding contracts. This provision emphasizes that contracting authorities are permitted to consider costs incurred over the entire life cycle of the procurement.

## Recommendation and Encouragement:

While not always mandatory, the SektVO encourages the use of LCC as it can lead to more economically advantageous decisions, especially when considering sustainability. § 58 Abs. 3 SektVO recommends that contracting entities take into account not only the purchase price but also other costs, such as maintenance, operation, and disposal costs, which align with broader economic and environmental objectives.

## Requirement of LCC in Certain Circumstances:

In specific cases, LCC becomes a requirement under the SektVO. For instance, when procurement involves products or services with significant energy consumption, § 58 Abs. 4 SektVO requires that energy efficiency be factored into the life-cycle costing. This ensures that the procurement process aligns with energy efficiency and environmental protection goals.

#### <u>Application in Tender Evaluation:</u>

When LCC is used in the evaluation of tenders, § 58 Abs. 5 SektVO mandates that the criteria and methodology for its calculation be clearly detailed in the tender documents. This ensures transparency and fairness in the evaluation process, allowing all bidders to understand how their proposals will be assessed based on life-cycle costs.

#### <u>Inclusion of Environmental and Social Costs:</u>

The regulation also permits the inclusion of environmental and social externalities in LCC calculations, as referenced in § 58 Abs. 6 SektVO. This section highlights that costs related to environmental impacts, such as carbon emissions or pollution, can be considered, promoting procurement decisions that support sustainability and social responsibility.

#### **Summary:**

The SektVO outlines a structured approach to using Life-Cycle Costing at the tendering stage:

§ 58 Abs. 2 SektVO: Permits LCC in procurement.
§ 58 Abs. 3 SektVO: Recommends LCC for comprehensive cost assessment.
§ 58 Abs. 4 SektVO: Requires LCC in certain cases, particularly for energy efficiency.
§ 58 Abs. 5 SektVO: Mandates transparency in LCC methodology.
§ 58 Abs. 6 SektVO: Allows inclusion of environmental and social costs.
These provisions ensure that public procurement under the SektVO is conducted with a focus on
long-term economic and environmental sustainability.
Contract Award Criteria
Contract Award Criteria

249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?

- $\circ$  No
- Allowed and/or recommended

**Contract Performance** 

o Required

\_\_\_\_\_

250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.

The Sektorenverordnung (SektVO) addresses several aspects of contract performance to ensure that contracts awarded under the regulation are executed in alignment with the specified objectives, including those related to sustainability, social responsibility, and overall contract management. Here's how the SektVO deals with these aspects:

#### 1. Contract Performance Conditions:

§ 30 SektVO allows contracting authorities to set specific conditions related to the performance of the contract. These conditions can relate to various aspects, such as social and environmental considerations, and they must be clearly stated in the procurement documents. The inclusion of such conditions can be used to ensure that the contractor adheres to specific standards or objectives during the contract execution, such as reducing emissions or using environmentally friendly materials.

2. Key Performance Indicators (KPIs):

While the SektVO does not explicitly mandate the use of Key Performance Indicators (KPIs), it allows contracting authorities to define performance-related criteria that may include KPIs. These criteria can be used to monitor and evaluate the contractor's performance throughout the contract duration, ensuring that the project stays on track in terms of time, cost, quality, and other specified objectives, including environmental or social metrics. The performance conditions under § 30 SektVO can include the specification of such indicators.

- 3. Environmental and Social Performance Requirements:
- § 31 SektVO allows the contracting authority to require that the contractor complies with certain environmental and social standards throughout the contract's execution. This can include requirements for the contractor to implement measures to minimize emissions, adhere to labor standards, or use sustainable resources. These requirements must be included in the contract documents and can be monitored as part of the contract's performance assessment.
- 4. Monitoring and Reporting Obligations:
- § 31 Abs. 3 SektVO allows for the inclusion of clauses that require the contractor to provide regular reports on their compliance with the environmental and social standards set out in the contract. This can include reporting on emissions, resource usage, or adherence to labor practices. The contracting authority can use these reports to ensure that the contractor is meeting the performance conditions specified in the contract.

#### 5. Penalty and Incentive Clauses:

Although not explicitly detailed, § 30 and § 31 SektVO provide the legal framework for including penalty clauses for non-compliance with performance conditions or the provision of incentives for exceeding performance expectations. This can include financial penalties for failing to meet emissions targets or bonuses for achieving higher-than-required environmental performance.

<u>The SektVO makes several allowances and recommendations, and sets requirements at the contract performance stage:</u>

§ 30 SektVO: Allows the inclusion of specific performance conditions in the contract, which can relate to environmental and social standards. § 31 SektVO: Permits the inclusion of environmental and social performance requirements, and the need for regular monitoring and reporting. § 31 Abs. 3 SektVO: Specifically allows for the inclusion of monitoring and reporting obligations to ensure compliance with the contract's conditions. Penalty and Incentive Clauses: While not explicitly mentioned, they can be included under the general performance condition provisions of § 30 and § 31 SektVO. These provisions ensure that contracting authorities have the necessary tools to enforce compliance with the desired standards throughout the contract's execution, promoting accountability and the achievement of broader public policy goals such as sustainability and social responsibility. **Monitoring and Reporting** 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? No o Allowed and/or recommended

Required

Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement	$\checkmark$		
2. The jurisdiction's			$\checkmark$
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			<b>✓</b>
4. IFRS S2			<b>✓</b>
5. Task Force on Climate-			<b>✓</b>
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			$\checkmark$
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting			
Standard			
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework			<b>✓</b>
9. Science Based Targets			
initiative (SBTi)  10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			<b>✓</b>
Procurement	_		
13. EU Green Public			<b>✓</b>
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			$\checkmark$
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			
Bank Guidelines for			
Sustainable Procurement			<b>✓</b>
17. African Development Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American		
Development Bank Green		
Procurement Guidelines		
19. EDBR Project		$\checkmark$
Requirements/Environmental		
and Social Action Plan		
20. World Bank		
Environmental and Social		
Framework		
21. Other		<b>∨</b>
Additional Important Informat	ion	

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

§ 58 Procurement of energy consumption-related services:

(1) The service description must require bidders to provide information on the energy consumption of technical devices and equipment as part of the technical specifications. This information is required for construction work if the delivery of technical devices and equipment is part of this construction work. In appropriate cases, an analysis of minimized life cycle costs or a comparable method to ensure economic efficiency must be requested from the bidder.

(2) In the case of technical devices and equipment, their energy consumption can be taken into account when deciding on the award, but in the case of construction work only if the delivery of the technical devices or equipment is an essential part of the construction work.

# Policy Tool Name: Sub-threshold procurement regulation - Unterschwellenvergabeverordnung (UVgO)

<ol> <li>Source material link(s): https://web.archive.org/web/20240501192418*/http://www.verwaltungsvorschriften-im- internet.de/bsvwvbund_02022017_IB6261902.htm</li> </ol>
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
□ Climate-related disclosure
□ Transition planning
✓ Public procurement
6. Select the category which best describes the author/issuer of the policy tool.
✓ Head of state and/or government
□ Independent regulatory or supervisory body
□ Legislature
□ Ministry/Department/Agency
□ Other (Please describe)
7. Chatan of the melian to all
7. Status of the policy tool
Approved, in force
<ul> <li>Approved, not yet in force</li> </ul>
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2017</u>
<u> </u>

10. Does the policy tool have an end date?
No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
§ 1 UVgO
(1) These procedural rules provide more detailed provisions on the procedure to be followed when awarding public supply and service contracts and framework agreements that are not subject to Part 4 of the Act against Restraints of Competition because their estimated contract value excluding sales tax exceeds the threshold values in accordance with Section 106 of the Act against Restraints of Competition falls below.
(2) Regardless of whether the respective threshold value in accordance with Section 106 of the Act Against Restraints of Competition has been reached, these procedural rules are also not applicable to situations for which the Act Against Restraints of Competition in Sections 107, 108, 109, 116, 117 or 145 provides exceptions to the applicability of Part 4 of the Act against Restraints of Competition.
(3) The regulation on reserved orders in accordance with Section 118 of the Act against Restraints of Competition must also be applied accordingly within the scope of these procedural regulations.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
o 1.
○ 2.
○ 3.
o 4.

0	<b>b</b> .																												
		 	 -	 	 	 	 	 	-	 	 -																		

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies			✓
3. Financial institutions			<b>✓</b>
4. Small and medium-			
sized enterprises			
5. State-owned	<b>✓</b>		
companies			
6. Not-for-profit			
organizations			
7. Government	<b>✓</b>		
agencies and/or			
departments			
(supranational)			
8. Government			
agencies and/or			
departments (national)			
9. Government	<b>✓</b>		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government	<b>✓</b>		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors	<b>✓</b>		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			
Agriculture, forestry, and fishing			
Mining and quarrying			
Manufacturing			
Electricity, gas, steam, and air conditioning supply			
Water supply; sewerage; waste management and remediation activities			
Construction			
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage	<b>∀</b>		
Accommodation and food service activities			
Information and communication			
Financial and insurance activities			
Real estate activities			
Professional, scientific and technical activities	$\checkmark$		
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			
Human health and social work activities			
Arts, entertainment and recreation			
Other service activities	<b>✓</b>		
Activities of households as employers; undifferentiated goods-and services- producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

\_\_\_\_\_

## 27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned companie s	Governmen t agencies and/or department s (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthcar e, defense, utilities, educatio n)
Minimum number of employees (Enter min number of full-time employees - FTEs)							
Minimum revenue (Enter minimum revenue)							
Minimum assets (Enter minimum assets)							
Minimum contract value (Enter minimum contract value)							
Entity is headquart ered in the jurisdiction							
Entities are subjected to disclosure or	Delivery performa nce and service below	Delivery performanc e and service below the	Delivery performa nce and service below the	Delivery performa nce and service below the	Delivery performa nce and service below the	Delivery performa nce and service below the	Delivery performa nce and service below

reporting requiremen ts	the EU threshold	EU threshold	EU threshold	EU threshold	EU threshold	EU threshold	the EU threshold
		compliance w	ith the policy	/ tool is man	datory opt o	ut of the obli	gation (e.g.
comply or exp	olain)?						
∘ No							
Yes							
		opt-out provi		omply or exp	lain"), refere	ncing the rel	evant
		articipate in a	=				
		cclusively appl d the jurisdicti		domestic op	erations, or c	loes it also o	ipply to
<ul><li>Operations</li></ul>	within jurisc	diction only					
o Operations	beyond the j	urisdiction					
o Not applica	ble						
32. What are	the sanction	s for non-com	pliance? Sel	ect all that a	oply and des	cribe in the t	ext field.
☐ Monetary f	ine						
☐ Restriction	on business	activities					
☐ Voiding or	setting aside	e of contract					
☐ Exclusion fi	rom governm	nent contracts					
☐ Award of d	lamages or c	compensation					
☐ Penalty for	senior mana	agers					

☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
□ Other
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
Above average
o Not applicable
• Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
o Average
o Above average
o Not applicable
• Unknown or prefer not to answer
37. Have the climate-specific provisions in this instrument ever been enforced?
No (If relevant, explain) Not aware of such cases
o Yes

39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
o No
Yes

40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.

#### Monitoring Systems in the UVqO:

**Contract Award Reporting and Documentation:** 

§ 8 Abs. 1 UVgO mandates that contracting authorities document all significant steps in the procurement process. This includes the rationale for decisions made, such as the choice of procurement procedure, the selection of bidders, and the criteria for awarding the contract. While this is primarily a requirement for documentation rather than active monitoring, it serves as a foundation for oversight and review, ensuring that the procurement process is conducted fairly and in accordance with the regulation.

**Internal Review Mechanisms:** 

§ 20 Abs. 2 UVgO outlines that contracting authorities should ensure that internal controls are in place to verify compliance with the UVgO requirements. This might include regular audits, internal reviews, or other mechanisms designed to monitor adherence to procurement procedures. While not a detailed monitoring system, this section implies the need for oversight to ensure that procurement activities meet the legal requirements.

Record-Keeping and Accessibility:

§ 8 Abs. 2 UVgO specifies that the documentation created during the procurement process must be kept for at least five years. This long-term record-keeping allows for retrospective audits or investigations, contributing to a broader monitoring framework. The requirement ensures that all decisions and actions can be reviewed if questions or disputes arise later.

Transparency and Publication:

§ 30 UVgO requires that certain information about contract awards is published, enhancing transparency. This public disclosure acts as a passive monitoring tool, allowing external stakeholders, including other bidders and the public, to scrutinize the procurement process and outcomes. While not active monitoring, the transparency mandated by this section provides a level of oversight. Summary:

The UVgO does not prescribe a specific, centralized monitoring system for procurement activities. However, it includes several provisions that support oversight and accountability:

§ 8 Abs. 1 UVgO: Requires documentation of all significant procurement decisions, forming the basis for monitoring.

§ 20 Abs. 2 UVgO: Suggests internal control mechanisms to ensure compliance.

§ 8 Abs. 2 UVgO: Mandates record-keeping for at least five years, facilitating audits and reviews. § 30 UVgO: Requires publication of contract awards, enhancing transparency.

supports compliance with procurement rules and facilitates oversight, both internally and externally.
41. Does the policy tool recommend or require periodic impact assessments?
No     No
∘ Recommended
∘ Required
43. Does the policy tool recommend or require periodic reviews?
No     No
∘ Recommended
o Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No     No
o Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
○ No

48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with the policy tool. Reference the relevant section/subsection/paragraph of the policy tool where capacity-building initiatives are established. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Yes, there are various government initiatives in Germany aimed at enhancing the capacity of targeted entities, such as public authorities and suppliers, to effectively implement and comply with the Unterschwellenvergabeordnung (UVgO). These initiatives are designed to ensure that both contracting authorities and potential bidders understand and are capable of adhering to the procurement rules and procedures set out in the UVqO.

#### **Key Initiatives to Enhance Capacity:**

<u>Training and Education Programs:</u>

The German federal and state governments, often through ministries such as the Federal Ministry for Economic Affairs and Energy (BMWi), provide training programs tailored to public procurement officials. These programs cover the principles and specific requirements of the UVgO, including how to conduct procurement below the EU thresholds effectively and in compliance with the law.

Public Procurement Competence Centers at the state level, such as those in Bavaria and North Rhine-Westphalia, offer workshops, seminars, and online courses focused on the practical application of the UVgO. These trainings are aimed at both public sector employees responsible for procurement and businesses looking to participate in public tenders.

#### **Guidelines and Manuals:**

The German government has issued detailed guidelines and manuals that explain the UVgO's provisions in practical terms. These documents are often published by the BMWi or equivalent state-level ministries and are designed to help both public procurement officials and suppliers understand the nuances of the regulation.

For example, the "Vergabehandbuch" (Procurement Manual) provides a comprehensive overview of public procurement processes, including those governed by the UVgO, and offers best practice recommendations.

#### <u>Industry Working Groups and Stakeholder Engagement:</u>

The German government encourages the formation of industry working groups and forums where public procurement officials and private sector representatives can collaborate. These working groups often focus on specific sectors or regions and aim to address common challenges in public procurement, share best practices, and discuss recent changes or interpretations of the UVgO. Dialogue forums are also organized, sometimes by industry associations in cooperation with government agencies, to facilitate communication between contracting authorities and suppliers. These forums provide a platform for discussing how to better implement the UVgO, and how to ensure compliance across various industries.

#### **Outreach Campaigns:**

Outreach campaigns are often conducted to raise awareness about the UVgO and the opportunities it presents for small and medium-sized enterprises (SMEs). These campaigns include informational sessions, webinars, and promotional materials that explain the procurement opportunities available under the UVgO and encourage wider participation in public tenders.

Specific efforts are made to reach out to SMEs, ensuring they understand the simplified procedures under the UVgO that are designed to make public contracts more accessible to smaller businesses.

#### Online Platforms and Resources:

The German government and various state governments have developed online platforms that serve as resources for public procurement. These platforms provide access to the UVgO text, supplementary guidance, FAQs, and other tools that help contracting authorities and bidders navigate the procurement process.

Platforms like "bund.de" or state-specific procurement portals often host procurement notices, offer templates for tender documents, and provide other resources that help entities comply with the <u>UVgO.</u>

Summary:

The German government has implemented a range of initiatives to support the effective implementation and compliance with the UVgO. These include:

Training and education programs provided by federal and state agencies.

Guidelines and manuals that explain the UVgO in practical terms.

Industry working groups and forums that facilitate collaboration and best practice sharing.

Outreach campaigns aimed at increasing participation in public procurement, especially among SMEs.

Online platforms and resources that offer comprehensive support for both contracting authorities and suppliers.

These initiatives are designed to build the capacity of both public entities and businesses, ensuring that the UVgO is applied consistently and effectively across Germany.

Additional Important Information

197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending
with national and/or subnational climate targets?
∘ No
Allowed and/or recommended
o Required
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.
The selection of an environmentally friendly contract item is also possible in procurement procedures that are carried out below the threshold values. Essentially, what has been stated with regard to the selection of the subject matter of the contract applies to awards above the threshold values. The regulations of the KrWG, the KSG and the AVV Klima must also be observed. In particular, the AVV Klima pursues the purpose of ensuring climate-friendly procurement by federal departments, even in
the below-threshold range. Further requirements for federal authorities to take environmental aspects into account arise from the following regulations, the Joint Decree on the Procurement of Wood Products. It is still permissible to pursue strategic goals such as qualitative, innovative, social and environmental aspects in the award process. This is now expressly regulated in § 23 II UVgO (this corresponds to § 31 III VgV).

202. Does the poli	ev tool set taraets in	relation to climate-align	ned procurement?	? Select all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their	_	_	_
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)		_	_
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

208. Is there a central publication point?
o No
Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
o No
Allow and/or recommend
o Require

218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.

The Unterschwellenvergabeordnung (UVgO), which governs procurement below the EU thresholds in Germany, does allow for the consideration of economic aspects beyond just the initial purchase price, such as life-cycle costing (LCC). However, it does not specifically require the use of life-cycle costing (LCC) or whole-life costing (WLC) to capture climate-related impacts. The UVgO provides flexibility to contracting authorities in how they assess the economic value of tenders, including environmental and climate-related costs, but it does not mandate this approach.

#### Relevant Provisions:

Consideration of Economic Aspects Beyond Price:

§ 43 Abs. 1 UVgO allows contracting authorities to evaluate tenders based on the "most economically advantageous tender" (MEAT) principle. This can include factors other than just the price, such as quality, operating costs, and environmental characteristics. While the UVgO mentions

that economic aspects beyond the initial price can be considered, it does not explicitly mandate the use of life-cycle costing or specify how environmental or climate-related impacts should be quantified or incorporated.

Flexibility in Criteria Selection:

§ 43 Abs. 2 UVgO provides a non-exhaustive list of criteria that can be used to determine the most economically advantageous tender. These criteria can include environmental characteristics, which implies that contracting authorities can consider aspects such as energy efficiency, emissions, or other environmental costs over the life cycle of the product or service. However, the regulation does not explicitly require or define how life-cycle or whole-life costs should be calculated. Environmental Considerations:

§ 43 Abs. 3 UVgO mentions that environmental characteristics, including those linked to the product or service's entire life cycle, can be part of the award criteria. This opens the door for contracting authorities to consider life-cycle costs, particularly those related to environmental impacts like energy consumption or emissions. However, the choice to use LCC or WLC remains at the discretion of the contracting authority and is not a requirement under the UVgO.

#### **Summary:**

The UVgO provides contracting authorities with the option to consider life-cycle costs, including environmental and climate-related impacts, when evaluating tenders, but it does not explicitly require or define the use of life-cycle costing (LCC) or whole-life costing (WLC). The relevant sections, particularly § 43 Abs. 1-3 UVgO, allow for flexibility in the criteria used to determine the most economically advantageous tender, including the potential for environmental considerations, but leave the specifics of how to assess and incorporate these costs up to the contracting authorities.

219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?

No

Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)

220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.

No

Allow/recommend

Require

endering or Solicitation Stage	

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or			
debarment grounds			
based on compliance with climate			
obligations			
Qualification or	<b>✓</b>		
selection criteria			
related to climate			
change			
Including climate or	<b>✓</b>		
environmental			
considerations when			
calculating value for			
money, including			
through the use of life- cycle or whole-life			
costing			
Technical			
specifications (e.g.			
setting minimum levels			
of energy efficiency or			
maximum product			
carbon emissions)			
Contract award			
criteria or value for			
money evaluation frameworks (e.g.			
minimum			
scores/performance			
levels under climate-			
related criteria,			
preferences for climate			
or sustainable			
products)	_	_	
Other procurement			
stage allowances, recommendations or			
requirements			
			<u> </u>
Exclusion or Debarment	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds?  $\,\circ\,$  No

● Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy
tool) As in the above-threshold area, public procurement bodies must check the suitability of the
bidding companies in the below-threshold area before the offers are even included in the economic
evaluation of the offers (§ 31 I UVgO). Due to the reference to § 123 and § 124 GWB, the optional and
mandatory exclusion reasons mentioned there also apply in the sub-threshold area. In deviation from
the basic test sequence of "suitability check before offer check", the public procurement agency can
carry out the offer check before the suitability check in the sub-threshold area for public tenders - and
only here (§ 31 IV UVgO). The reasons for exclusion in § 31 UVgO essentially correspond to the
regulations in § 124 and § 123 GWB. In deviation from the upper threshold range, the grounds for
exclusion of fraud and subsidy fraud (§ 123 I No. 4 - 5 GWB) are not only applicable to crimes
directed against the budget of the European Union, but to crimes against all public budgets (see § 31 II S. 4 UVgO) Optional exclusion is also possible in the sub-threshold area due to a demonstrable
violation of applicable environmental, social or labor law obligations (§ 31 II S. 5 UVgO). For the
application of the reason for exclusion in § 124 I No. 7 GWB, easier application is also provided in the
form that the significant or ongoing poor performance does not necessarily have to lead to
termination of the contract, to compensation or a comparable legal consequence.
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.
Absence of convictions/prosecutions for climate and/or environmental offences
□ Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.
□ Poor performance and/or failure to evidence progress on corporate climate and environmental policies
☐ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds
□ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool)
Qualification or Selection Criteria

Previous experience related to climate-relevant aspects of the contract
☐ Existence of net zero targets or commitments
☐ Record of climate-related disclosures
□ Climate-related transition plan in place
$\square$ Staff training or qualifications linked to climate change mitigation and/or sustainability
Corporate systems or certifications linked to climate change and/or sustainability
□ Environmental and/or risk-based due diligence procedures
Corporate systems or certifications linked to climate change and/or sustainability (e.g. an environmental management system or supply chain management system)
☐ Participation in national or international climate initiatives (e.g.: Race to Zero, SBTi, CDP)
□ Other
Life-cycle costing or whole-life costing
Contract Award Criteria
Contract Award Criteria
Contract Award Criteria
Contract Award Criteria
Contract Award Criteria  Contract Performance  249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be
Contract Award Criteria  Contract Performance  249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			
2. The jurisdiction's			
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			
4. IFRS S2			
5. Task Force on Climate-			
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard	_	_	_
7. GHG Protocol Corporate			
Value Chain (Scope 3) Accounting and Reporting			
Standard			
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)  12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			
Bank Guidelines for			
Sustainable Procurement			
17. African Development Bank Sustainable Public			
Procurement Guidance Note			
i rocurement Guidance Note			

18. Inter-American						
Development Bank Green						
Procurement Guidelines						
19. EDBR Project						
Requirements/Environmental						
and Social Action Plan						
20. World Bank						
Environmental and Social						
Framework						
21. Other						
Additional Important Information						

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

### Policy Tool Name: Federal Climate Protection Act - Bundes-Klimaschutzgesetz (KSG)

3. Source material link(s): https://web.archive.org/web/20240806133050/https://www.gesetze-iminternet.de/ksg/BJNR251310019.html						
4. Which of the following governance domains does this policy tool relate to? Select all that apply.						
Climate-related disclosure						
□ Transition planning						
☑ Public procurement						
5. If relevant, briefly explain how the policy tool applies or is linked to multiple domains.						
The federal government has set itself the goal of organizing the federal administration to be climateneutral by 2030. In order to achieve this goal, the Federal Government shall adopt measures at least every five years from the entry into force of this Act, which must be complied with by the federal authorities and other federal institutions without their own legal personality if they are subject to the direct organizational authority of the federal government. If legal regulations are necessary to achieve the objective stated in sentence 1, the Federal Government shall submit a draft to the German Bundestag within six months of the decision on the measures, § 15 I KSG.  The climate neutrality of the federal administration should be achieved in particular through saving energy, through the efficient provision, conversion, use and storage of energy as well as through the efficient use of renewable energies and the choice of means of transport that are as climate-friendly as possible. Care must be taken to ensure the efficient use of natural resources. When the federal government conducts administrative actions abroad, such as the construction or renovation of federal buildings, local regulations and technical standards as well as market conditions must be taken into account, § 15 II KSG.  The federal government works in the corporations, institutions and foundations under its supervision in its special funds and in the legal entities under private law that are exclusively or partially owned by it to ensure that they also organize their administrative activities in a climate-neutral manner, § 15 II KSG.  The Federal Government carries out an exchange of experiences with the states in order to support the states in examining and, if necessary, drawing up regulations that are comparable to the regulations in paragraphs 1 to 3 for their area of responsibility, § 15 IV KSG.						
6. Select the category which best describes the author/issuer of the policy tool.						
□ Head of state and/or government						

□ Independent regulatory or supervisory body
✓ Legislature
□ Judiciary
☐ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
● Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
2019
10. Does the policy tool have an end date?
No     No
∘ Yes

12. Briefly describe the policy tool's goal and/or purpose:

For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.

The purpose of this law is to ensure the fulfillment of national climate protection goals and compliance with European targets in order to protect against the effects of global climate change. The ecological, social and economic consequences are taken into account. The basis is the obligation under the Paris Agreement based on the United Nations Framework Convention on Climate Change, according to which the increase in the global average temperature must be limited to well below 2

degrees Celsius and, if possible, to 1.5 degrees Celsius compared to pre-industrial levels in order to
reduce the effects of global climate change to keep as low as possible.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
o 3.
o <b>4</b> .
o 5.

- 15. To provide contextual information, rate the capacity of Federal Government to undertake the policy tool's implementation and/or enforcement.
- o 0- No Capacity (Please explain)
- 1- Low Capacity (Please explain)
- 2- Medium Capacity (Please explain)
- 3- High Capacity (Please explain) The Federal Government of Germany has shown strong political commitment to climate protection, as evidenced by its ambitious Klimaschutzgesetz (KSG) targets, which set legally binding emissions reduction goals. The government has adopted multiple policies to support the transition to a low-carbon economy, including sector-specific emissions caps and strong alignment with EU climate targets. Federal ministries and agencies are actively involved in implementing these measures.

The federal government has set itself the goal of organizing the federal administration to be climate-neutral by 2030. In order to achieve this goal, the Federal Government shall adopt measures at least every five years from the entry into force of this Act, which must be complied with by the federal authorities and other federal institutions without their own legal personality if they are subject to the direct organizational authority of the federal government. If legal regulations are necessary to achieve the objective stated in sentence 1, the Federal Government shall submit a draft to the German Bundestag within six months of the decision on the measures, § 15 I KSG.

- o Prefer not to answer
- Not Applicable

\_\_\_\_\_\_

16. To provide contextual information, rate the capacity of German citizen to undertake the policy tool's implementation and/or enforcement.

- 0- No Capacity (Please explain)
- 1- Low Capacity (Please explain)
- o 2- Medium Capacity (Please explain)
- 3- High Capacity (Please explain) <u>German citizens have several legal means to encourage or impose compliance with the Klimaschutzgesetz (KSG) and broader climate protection efforts. These legal avenues primarily focus on holding the government accountable for meeting its climate targets, enforcing environmental laws, and challenging decisions that violate climate regulations. The following are the key legal mechanisms available to citizens:</u>

#### 1. Constitutional Complaints (Verfassungsbeschwerden)

One of the most significant legal tools available to German citizens is the constitutional complaint. Citizens can file a complaint with the Federal Constitutional Court (Bundesverfassungsgericht) if they believe their fundamental rights, as guaranteed by the German Basic Law (Grundgesetz), are being violated by government actions or inactions. Climate protection has constitutional status, so that if the objectives of this law are not complied with, German citizens can take action against the federal government by means of a constitutional complaint or can enforce an obligation to act.

Example: In a landmark ruling in 2021, the Federal Constitutional Court declared parts of the KSG unconstitutional because they did not adequately protect the rights of future generations by failing to set sufficiently stringent emission reduction targets beyond 2030. This ruling led to the strengthening of the KSG.

<u>Citizens</u>, environmental organizations, and affected parties can use this legal mechanism to argue that insufficient climate protection violates constitutional rights, such as the right to life, health, and property (Articles 2 and 14 of the Grundgesetz).

#### 2. Administrative Law Actions (Verwaltungsrechtliche Klagen)

German citizens can also bring lawsuits through administrative courts to challenge specific decisions or omissions by public authorities that may violate the KSG or other climate-related laws. This can include actions against governmental agencies that fail to meet emissions reduction obligations or approve projects that are inconsistent with the KSG's goals.

Example: Citizens or environmental organizations can file lawsuits to challenge the approval of infrastructure projects (e.g., new coal plants or highways) that would increase emissions, arguing that these projects contradict the KSG and Germany's climate commitments.

#### 3. Public Interest Litigation (Verbandsklage)

Environmental organizations with legal standing can initiate public interest litigation (Verbandsklage) on behalf of the public to enforce environmental laws, including those related to the KSG. Germany has specific laws, such as the Umwelt-Rechtsbehelfsgesetz (Environmental Legal Remedies Act),

which allow recognized environmental associations to bring lawsuits challenging violations of environmental laws or inadequate implementation of environmental standards.

Example: Environmental NGOs can sue the government for failing to meet emissions reduction targets set out in the KSG, demanding corrective actions.

These organizations can also challenge infrastructure projects, plans, or permits that do not align with climate goals, arguing that the state's failure to enforce environmental laws violates the legal framework set by the KSG.

#### 4. Climate Lawsuits Against Private Entities

German citizens and organizations may also bring climate lawsuits against private entities (such as corporations) if their actions result in significant environmental damage or contribute to climate change. While these types of lawsuits are still relatively rare, they are gaining traction as a way to enforce compliance with climate protection standards.

Example: Lawsuits targeting corporations that contribute significantly to greenhouse gas emissions, arguing that these companies are liable for climate damages under German civil law or European legal principles.

#### 5. EU Legal Framework

As a member of the European Union, Germany is bound by EU laws and regulations concerning climate protection, such as the European Green Deal and EU Emissions Trading System (ETS).

German citizens and environmental organizations can bring cases before EU institutions, such as the Court of Justice of the European Union (CJEU), if they believe that Germany is failing to comply with EU climate laws or directives.

Example: If German citizens or organizations believe that Germany is not implementing EU climate laws properly, they can appeal to the European Commission or file cases at the CJEU, which can lead to enforcement actions against Germany.

#### 6. Petitions and Ombudsmen

German citizens also have the right to submit petitions to the German Bundestag or regional parliaments demanding stronger climate action or enforcement of the KSG. These petitions can lead to parliamentary debates or investigations into government compliance with climate laws.

Additionally, citizens can engage with ombudsmen or similar oversight bodies that monitor governmental adherence to legal obligations, including climate laws.

Example: Citizens can petition the Bundestag to inquire into the government's progress on climate targets or urge stronger legislative measures to enforce compliance with the KSG.

Summary of Legal Means Available to Citizens:

<u>Constitutional Complaints: Used to challenge inadequate climate protection as a violation of constitutional rights.</u>

Administrative Lawsuits: Filed against public authorities for failing to comply with KSG obligations or approving projects inconsistent with climate goals.

<u>Public Interest Litigation: Environmental organizations can sue the government or entities over failures to comply with environmental or climate laws.</u>

<u>Lawsuits Against Private Entities: Citizens or NGOs can hold corporations accountable for contributing to climate change.</u>

<u>EU Legal Framework: Citizens can use EU legal mechanisms to enforce compliance with EU climate laws that bind Germany.</u>

Petitions and Parliamentary Inquiries: Citizens can submit petitions to trigger political responses to insufficient climate action.

#### Conclusion

German citizens have strong legal means to enforce compliance with the KSG and climate protection goals, ranging from filing constitutional complaints to pursuing administrative lawsuits and public interest litigation. These mechanisms allow citizens and environmental organizations to hold the government and private entities accountable for meeting their legal obligations under climate protection laws. Recent court rulings, such as the 2021 Federal Constitutional Court decision, demonstrate the effectiveness of these tools in shaping climate policy.

o Prefer not to answer			
o Not Applicable			

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies			
3. Financial institutions			
4. Small and medium-			
sized enterprises			
5. State-owned			
companies			
6. Not-for-profit			
organizations			
7. Government			
agencies and/or			
departments			
(supranational)			
8. Government	$\checkmark$		
agencies and/or			
departments (national)			
9. Government			
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)	_		
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)		<b>✓</b>	
11. Government			
agencies and/or			
departments			
(unspecified) 12. Sectoral actors			
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			
		ition in contara like an army	industry transport
13. Other Text:Indirectly mandatory for private entities in sectors like energy, industry, transport,			<u>, maustry, transport,</u>
<u>buildings, and agriculture.</u>			

27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	Government agencies and/or departments (national)	Other
Minimum number of employees (Enter min number of full-time employees - FTEs)	departments (national)	
Minimum revenue (Enter minimum revenue)		
Minimum assets (Enter minimum assets)		
Minimum contract value (Enter minimum contract value)		
Entity is headquartered in the jurisdiction		
Entities are subjected to disclosure or reporting requirements	When planning, selecting and implementing investments and in procurement at the federal level, a CO2 price, at least the minimum price or fixed price valid in accordance with § 10 II of the Fuel Emissions Trading Act, must be used to avoid or cause greenhouse gas emissions Obligation to take into account.	The key criteria for identifying entities that must comply include the sector in which they operate, the scale of their emissions, and the regulatory frameworks governing their activities.

	emissions Obligation to take into account.	
28. Can entities for whom complic comply or explain)?	ance with the policy tool is manda	cory opt out of the obligation (e.g.
No		
∘ Yes		
30. Does the policy tool exclusively entities' operations beyond the jur		tions, or does it also apply to
Operations within jurisdiction of	nly	
o Operations beyond the jurisdicti	on	
o Not applicable		

32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
Monetary fine <u>Private companies may face fines and higher carbon prices under related emissions trading and carbon pricing systems.</u>
☐ Restriction on business activities
☐ Voiding or setting aside of contract
□ Exclusion from government contracts
☐ Award of damages or compensation
☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
Other Corrective Action Requirements: Ministries must submit corrective plans if they fail to meet emissions targets, detailing how they will return to compliance. Budgetary and Political Consequences: Ministries may face budget reallocation and political consequences for failing to comply with the KSG. Expert Council Scrutiny: The independent Expert Council on Climate Issues reviews non-compliance and can demand stronger corrective measures. Legal and Constitutional Pressure: Citizens and organizations can file lawsuits to enforce compliance, potentially resulting in court-mandated climate action. EU and International Sanctions: Germany may face penalties from the EU or international bodies if it fails to meet broader climate obligations.
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
∘ Average
Above average
o Not applicable
<ul><li>Unknown or prefer not to answer</li></ul>

35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.

o Below average
o Average
o Above average
o Not applicable
<ul><li>Unknown or prefer not to answer</li></ul>
37. Have the climate-specific provisions in this instrument ever been enforced?
• No (If relevant, explain) Yes and no, it is a process that should be completed by 2030.
o Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
o No
Yes
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
In order to support the goal of a climate-neutral federal administration by 2030, the "Coordination Office for Climate-Neutral Federal Administration" (KKB) was established based on a resolution from
December 2019 by the State Secretaries' Committee for Sustainability. The KKB's subject area is
diverse: The central task of the coordination office is to develop measures that represent specific and
necessary requirements for the federal authorities on the way to becoming a climate-neutral
organization. In order to make progress towards this important goal measurable, the KKB prepares an annual climate balance of the federal administrations, starting with the consumption year 2022.
41. Does the policy tool recommend or require periodic impact assessments?
○ No
○ Recommended

Required
42. Select the option that best describes the frequency of periodic impact assessments recommended or required by the policy tool.
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
○ Not specified
○ Other
43. Does the policy tool recommend or require periodic reviews?
∘ No
○ Recommended
Required
44. Select the option that best describes the frequency of the recommended or required periodic reviews.
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
○ Not specified
○ Other

subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
∘ No
● Yes
46. Describe the mechanisms for enhancing regulatory coordination with subnational governments. Reference the relevant section/subsection/paragraph of the policy tool where mechanisms for coordination with subnational governments are set.
The federal and state governments work together in an appropriate manner to achieve the objectives
of this law, § 14 II KSG.  The Federal Government carries out an exchange of experiences with the states in order to support the states in examining and, if necessary, drawing up regulations that are comparable to the regulations in I-III for their area of responsibility, § 15 IV KSG.  The federal government works in the corporations, institutions and foundations under its supervision, in its special funds and in the legal entities under private law that are exclusively or partially owned by it to ensure that they also organize their administrative activities in a climate-neutral manner, § 15
III KSG.
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
∘ No
Yes
48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with

45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with

48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with the policy tool. Reference the relevant section/subsection/paragraph of the policy tool where capacity-building initiatives are established. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

In order to support the goal of a climate-neutral federal administration by 2030, the "Coordination Office for Climate-Neutral Federal Administration" (KKB) was established based on a resolution from December 2019 by the State Secretaries' Committee for Sustainability. The KKB's subject area is diverse: The central task of the coordination office is to develop measures that represent concrete

and necessary requirements for the federal authorities on the way to becoming a climate-neutral
organization. In order to make progress towards this important goal measurable, the KKB prepares
an annual climate balance of the federal administrations, starting with the consumption year 2022.

Domain-Specific Questions: Disclosure Questions
What is being disclosed?

52. Are targeted entities recommended or required to disclose any of the	following climate-related
information? Select all that apply.	

	Recommended	Required	Neither recommended nor required
1. Greenhouse gas		$\checkmark$	
(GHG) emissions			
2. GHG emissions offsets or removals			
3. GHG emissions			
reduction targets			
4. Other climate- related targets			
5. Physical climate risk			
6. Transition risk			
7. Transition plan			
54. Which GHG emissions	s must be disclosed? S	Select all that apply.	
Carbon dioxide (CO2)			
☐ Methane (CH4)			
□ Nitrous oxide (N₂O)			
☐ Hydrofluorocarbons (HFCs)			
□ Perfluorocarbons (PFCs)			
□ Sulphur hexafluoride (S	SF6)		
□ Nitrogen trifluoride (NF	:3)		
□ Carbon dioxide equival	ent (CO <sub>2</sub> e)		
55. Are entities recomme	nded or required to dis	sclose gross emissions	.?
<ul><li>No</li></ul>			
<ul><li>Recommended</li></ul>			
○ Required			

56. Are entities recommended or required to disclose net emissions?
No
○ Recommended
○ Required
57. What Scope of emissions must be disclosed? Select all that apply.
□ Scope 1 emissions
□ Scope 2 emissions
□ Scope 3 emissions, relevant or material
☐ Scope 3 emissions, a specified proportion of coverage (Please describe)
□ Scope 3 emissions, all
✓ Not specified
58. Are entities recommended or required to discloseGHG emissionsaccounting methodologies or standards?
GHG emissions
59. Does the policy tool recommend or require the GHG inventory be third-party verified?
∘ Recommended
o Required
60. If necessary, provide additional clarification to the above responses aboutgreenhouse gas (GHG) emissions disclosure.

When planning, selecting and implementing investments and when purchasing at the federal level, the federal authorities must use a CO2 price, at least the minimum price or fixed price applicable in accordance with § 10 II of the Fuel Emissions Trading Act, to avoid or cause greenhouse gas emissions, § 13 I 2 KSG. When planning, selecting and implementing investments and purchasing, the federal government examines how this can contribute to achieving the national climate protection goals in accordance with Section 3. If several implementation options are possible, then, in consideration of other relevant criteria related to the objective of the respective measure, preference should be given to those with which the goal of reducing greenhouse gas emissions over the entire life cycle of the measure can be achieved at the lowest cost. Additional expenses should not be disproportionate to their contribution to reducing greenhouse gases. If procurement regulations apply, these must be observed, § 13 II KSG. When the federal government applies economic efficiency criteria, comparative considerations must be based on the costs and savings incurred over the entire life cycle of the investment or procurement, § 13 III KSG.

<u>Summary of Climate-Related Disclosure Requirements and Recommendations:</u>

<u>Federal Ministries (KSG): Required to disclose sectoral emissions data and corrective action plans if targets are not met.</u>

Private Entities (EU ETS): Must report and verify emissions data for covered installations.

Carbon Pricing: Entities must report emissions and carbon pricing impacts in sectors covered by Germany's carbon pricing regulations.

<u>Large Entities (NFRD): Required to disclose total GHG emissions, environmental risks, and climate strategies.</u>

International Standards: Entities are recommended to follow standards like the Greenhouse Gas Protocol and ISO 14064 for GHG emissions reporting.

progress reports.	
Other disclosures	

Annual Climate Reports: The German government provides aggregated national emissions data and

105. Are targeted entities recommended or required to disclose any other climate-related information? Select all that apply.

	Required	Recommended	Neither recommended nor required
1. Climate-related opportunities			
2. Remuneration			✓
based on achieving			
climate-related goals  3. Taxonomies			
4. Capital allocation			
and/or expenditure			
plans (in the context of			
climate change)	_		
5. Due diligence			
6. Assumptions and Dependencies			
7. Data limitations of			
scenario analyses			
8. Financial			
implications of climate-related			
matters (e.g.,			
integration of climate-			
related disclosures			
into financial			
accounting standards) 9. Stewardship (e.g.,			
whether stewardship			
codes are in place,			
how entities vote in			
shareholder meetings, etc.)			
10. ESG			
methodologies and			
criteria (in the case of			
service providers)			
11. Asset planning or ownership in the			
context of climate			
change			
12. Sectoral			
investment policies			
13. Climate-related lobbying and/or policy			
engagement			
14. Locked-in			
emissions or			
information on			

emissive assets with long lifespans		
15. Dirty asset divestiture		
16. Nature-related impacts		
17. Just transition indicators		
Characteristics	and Caidelines	 
Standards, Frameworks,	, and Guidelines	 

125. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. IFRS S1			
2. IFRS S2			
3. Task Force on Climate-related Financial Disclosures (TCFD)			
4. GHG Protocol Corporate Accounting and Reporting Standard			
5. GHG Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard			
6. CDP (formerly known as Climate Disclosure Project) reporting framework			
7. International Integrated Reporting Framework			
8. Global Reporting Initiative (GRI)			
9. Sustainability Accounting Standards Board (SASB)			
10. European Sustainability Reporting Standards (ESRS)			
11. Taskforce on Nature-related Financial Disclosures (TNFD)			
12. Partnership for Carbon Accounting Financials (PCAF)			
13. Glasgow Financial Alliance for Net Zero (GFANZ)			
14. Other			

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126. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.

German Carbon Pricing Act (CO2-Bepreisungsgesetz): Specifies reporting requirements for emissions related to carbon pricing. The selection and implementation of investments and procurement at the federal level must be based on a CO2 price, at least the minimum price or fixed price in accordance with § 10 II of the Fuel Emissions Trading Act, to avoid or cause greenhouse gas emissions.

ISO 14064: Provides standards for GHG emissions quantification and reporting.

<u>EU ETS Directive (2003/87/EC): Governs the emissions trading system, including requirements for monitoring and reporting emissions.</u>

Commission Implementing Regulation (EU) 2018/2066: Provides detailed rules for monitoring and reporting greenhouse gas emissions under the EU ETS.

alignment not captured in the above questions. If referencing new sources (i.e. not referenced in

Question 3), provide a web-archived link to the source material.

<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
∘ No
o Allowed and/or recommended
Required
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.
Federal authorities must pay a carbon price if the product is not climate neutral, § 13 I 2 KSG.

202. Does the policy tool set targets in relation to climate-aligned procurement? Select all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			

Other Text:When planning, selecting and implementing investments and when purchasing at the federal level, the federal authorities must use a CO2 price, at least the minimum price or fixed price applicable in accordance with § 10 II of the Fuel Emissions Trading Act, to avoid or cause greenhouse gas emissions, § 13 I 2 KSG. When planning, selecting and implementing investments and purchasing, the federal government examines how this can contribute to achieving the national climate protection goals in accordance with Section 3. If several implementation options are possible, then, in consideration of other relevant criteria related to the objective of the respective measure, preference should be given to those with which the goal of reducing greenhouse gas emissions over the entire life cycle of the measure can be achieved at the lowest cost. Additional expenses should not be disproportionate to their contribution to reducing greenhouse gases. If procurement regulations apply, these must be observed, § 13 II KSG. When the federal government applies economic efficiency criteria, comparative considerations must be based on the costs and savings incurred over the entire life cycle of the investment or procurement, § 13 III KSG.

Pro	cur	em	ent	Сус	le													

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities		$\checkmark$	
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			<b>~</b>
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
1 -			
stage			

205. To which of the following do climate change mitigation and/or GHG emission reduction goals apply with regard to the definition of procurement needs? Select all that apply.
Goods
<b>☑</b> Services
□ Works
206. Describe the obligation for procuring entities to consider climate change mitigation and/or GHG emissions reductions goals when defining their procurement needs, referencing the relevant section/subsection/paragraph of the policy tool.
When planning, selecting and implementing investments and when purchasing at the federal level, the federal authorities must use a CO2 price, at least the minimum price or fixed price applicable in accordance with § 10 II of the Fuel Emissions Trading Act, to avoid or cause greenhouse gas emissions, § 13 I 2 KSG. When planning, selecting and implementing investments and purchasing, the federal government examines how this can contribute to achieving the national climate protection goals in accordance with Section 3. If several implementation options are possible, then, in consideration of other relevant criteria related to the objective of the respective measure, preference should be given to those with which the goal of reducing greenhouse gas emissions over the entire life cycle of the measure can be achieved at the lowest cost. Additional expenses should not be disproportionate to their contribution to reducing greenhouse gases. If procurement regulations apply, these must be observed, § 13 II KSG. When the federal government applies economic efficiency criteria, comparative considerations must be based on the costs and savings incurred over the entire life cycle of the investment or procurement, § 13 III KSG.
211. For entities that include emissions from procurement in their carbon budget, does the policy tool specify which GHG emissions should be included? Select all that apply.
□ Not specified
Carbon dioxide (CO <sub>2</sub> )
☐ Methane (CH₄)
□ Nitrous oxide (N₂O)
☐ Hydrofluorocarbons (HFCs)

□ Perfluorocarbons (PFCs)
□ Sulphur hexafluoride (SF6)
□ Nitrogen trifluoride (NF3)
□ Carbon dioxide equivalent (CO2e)
212. What scope of emissions does the policy tool include? Select all that apply.
☐ Scope 1 emissions
☐ Scope 2 emissions
☐ Scope 3 emissions, relevant or material
□ Scope 3 emissions, a specified proportion of coverage (Please describe)
□ Scope 3 emissions, all
✓ Not specified

214. Describe the obligation for procuring entities to inform and/or consult with market actors in advance of publishing the formal call for tenders, in relation to climate considerations (i.e. preprocurement consultation, engagement, or dialogue), referencing the relevant section/subsection/paragraph of the policy tool.

The Klimaschutzgesetz (KSG) itself does not specifically address the obligations for procuring entities to inform or consult with market actors in advance of publishing a formal call for tenders with respect to climate considerations. The KSG focuses primarily on setting national targets for greenhouse gas emissions reduction and the responsibilities of federal ministries to meet these targets.

However, the principles of pre-procurement consultation and engagement with market actors are typically covered under broader public procurement regulations and guidelines that integrate climate considerations.

Pre-Procurement Consultation: Under German public procurement law, specifically the Gesetz gegen Wettbewerbsbeschränkungen (GWB) and the Vergabeverordnung (VgV), procuring entities can engage in preliminary market consultations. These consultations are intended to gather information on the market and obtain feedback on proposed procurement procedures, including those related to climate and environmental criteria.

References:

GWB Section 97: Allows for the consideration of environmental and social criteria in procurement and enables preliminary consultations with the market.  VgV Section 8: Provides for the possibility of conducting market consultations to prepare and refine procurement requirements.
Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to
capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
○ No
o Allow and/or recommend
Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.
When the federal government applies economic efficiency criteria, comparative considerations must be based on the costs and savings incurred over the entire life cycle of the investment or procurement, § 13 III KSG.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
No     No
o Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy

tool.

No     No	
o Allow/recommend	
∘ Require	
Tendering or Solicitation Stage	

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate			
obligations  Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of lifecycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			
Life-cycle costing or whole-life costing			

tendering or solicitation stage, referencing the relevant section/subsection/paragraph of the policy tool. When planning, selecting and implementing investments and purchasing, the federal government examines how this can contribute to achieving the national climate protection goals in accordance with Section 3. If several implementation options are possible, then, in consideration of other relevant criteria related to the objective of the respective measure, preference should be given to those with which the goal of reducing greenhouse gas emissions over the entire life cycle of the measure can be achieved at the lowest cost. Additional expenses should not be disproportionate to their contribution to reducing greenhouse gases. If procurement regulations apply, these must be observed, § 13 II KSG. **Contract Performance** 249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)? No Allowed and/or recommended Required Monitoring and Reporting 252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement? o No Allowed and/or recommended Required

241. Describe how life-cycle costing or whole-life costing is allowed, recommended, or required at the

254. Are targeted entities recommended or required to monitor and/or report any of the following data? Select all that apply.
$\hfill\square$ Adoption of a climate-aligned and/or environmentally sustainable procurement plan or policy
☐ Staff training related to climate-aligned and/or environmentally sustainable procurement
□ Number of tenders/contracts which include climate-related criteria
□ Value of tenders/contracts which include climate-related criteria
□ Content of climate-related criteria
☐ Level of ambition of climate-related criteria
□ Reasons for not including climate-related criteria in tenders
☐ Market response to climate-related criteria (e.g. number of tenders rejected, average or lowest/highest score awarded, feedback received)
□ Outcome of tenders in which climate-related criteria are applied (e.g. impact on award decision, costs, or other factors)
☐ Audits of contractors' compliance with climate-related criteria during contract performance
☐ Climate impact or outcomes of tenders/contracts
□ Other
Li Ottici
258. Is it allowed, recommended or required that monitoring and reporting data be published?
258. Is it allowed, recommended or required that monitoring and reporting data be published?
258. Is it allowed, recommended or required that monitoring and reporting data be published?   No
258. Is it allowed, recommended or required that monitoring and reporting data be published?  • No  • Allowed and/or recommended
258. Is it allowed, recommended or required that monitoring and reporting data be published?   No  Allowed and/or recommended  Required
258. Is it allowed, recommended or required that monitoring and reporting data be published?   No  Allowed and/or recommended  Required  259. Is there a central publication point?
258. Is it allowed, recommended or required that monitoring and reporting data be published?  No  Allowed and/or recommended  Required  259. Is there a central publication point?  No
258. Is it allowed, recommended or required that monitoring and reporting data be published?   No  Allowed and/or recommended  Required  259. Is there a central publication point?
258. Is it allowed, recommended or required that monitoring and reporting data be published?  No  Allowed and/or recommended  Required  259. Is there a central publication point?  No

o Yearly
o Every two years
o Every three years
o Every four years
o Every five years
o Every ten years or more
○ Other
No prescribed frequency
Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			
2. The jurisdiction's			
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			
4. IFRS S2			
5. Task Force on Climate-			
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate		$\checkmark$	
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting			
Standard			
8. CDP (formerly known as Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on Sustainable Public			
Procurement			
16. Asian Development			
Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American Development Bank Green			
Procurement Guidelines			
19. EDBR Project			
Requirements/Environmental	_	_	_
and Social Action Plan			
20. World Bank			
Environmental and Social			
Framework			
21. Other		$\checkmark$	
263. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.  When planning, selecting and implementing investments and in procurement at the federal level, a CO2 price, at least the minimum price or fixed price valid in accordance with § 10 II of the Fuel Emissions Trading Act, must be used to avoid or cause greenhouse gas emissions.			
References:  EU Directive 2003/87/EC: Establishes the EU ETS.  EU Regulation 2018/842: Addresses the effort-sharing regulation for non-ETS sectors.			
ISO 14064: An international sta	_	-	
quantifying and reporting GHG		ting and verification. On	ers standards for
. ,			
Green Public Procurement (GPP) Guidelines			
German Federal Government's Climate Strategy			
Additional Important Information			

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Policy Tool Name: General administrative regulation on the procurement of climate-friendly services - Allegemeine Verwaltungsvorschrift zur Beschaffung klimafreundlicher Leistungen (AVV Klima)

htt	Source material link(s): ps://web.archive.org/web/20240806133354/https://www.verwaltungsvorschriften-im- ernet.de/bsvwvbund_19102021_IB3.htm
4.	Which of the following governance domains does this policy tool relate to? Select all that apply.
<b>✓</b>	Climate-related disclosure
	Transition planning
<b>✓</b>	Public procurement
5.	If relevant, briefly explain how the policy tool applies or is linked to multiple domains.
ag Co Ap Se ac the Wir	encies in direct federal administration in accordance with Part 4 of the Act against Restraints of mpetition (GWB) of June 26, 2013 in conjunction with the Public Procurement Ordinance (VgV) of ril 12, 2016 and Section 2 of the Public Procurement and Contract Regulations for Construction rvices, Part A (VOB/A-EU) - 2019 edition - of January 31, 2019. January 2019, as well as in cordance with the Rules of Procedure for the Award of Public Supply and Service Contracts below EU Threshold Values (Sub-Threshold Procurement Regulations - UVgO) - Edition 2017 - dated bruary 2, 2017, with the exception of defense or security-specific public contracts in accordance th Section 51 UVgO in conjunction with Section 104 GWB and Section 1 of the Procurement and Intract Regulations for Construction Services, Part A (VOB/A) - Edition 2019 - dated January 31, 19.
6.	Select the category which best describes the author/issuer of the policy tool.
<b>✓</b>	Head of state and/or government
	Independent regulatory or supervisory body
	Legislature
	Judiciary
	Ministry/Department/Agency
<b>✓</b>	Other (Please describe <u>) Federal Government</u>

7. Status of the policy tool
Approved, in force
Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication 2022
10. Does the policy tool have an end date?
● No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The purpose of this administrative regulation is to ensure climate-friendly procurement by federal agencies in direct federal administration. In particular, the greenhouse gas emissions caused by the services to be procured are to be adequately taken into account in the procurement procedure. The administrative regulation serves to achieve the objectives of Section 3 of the Federal Climate Protection Act (KSG) and the implementation of § 13 and also § 15 KSG. At the same time, it ensures the highest achievable energy efficiency level of the service to be procured and in this respect guarantees the uniform application of § 67 VgV and § 8c EU VOB/A. The administrative regulation also aims to ensure that other aspects of sustainability are given appropriate consideration in federal public procurement, § 1 II AVV Klima.

13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>Public Procurement Chamber</u>
<b>②</b> 2.
o 3.
o <b>4</b> .
o 5.
15. To provide contextual information, rate the capacity of Public Procurement Chamber to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
<ul><li>Prefer not to answer</li></ul>
o Not Applicable
16. To provide contextual information, rate the capacity of to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
o Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies		$\checkmark$	
3. Financial institutions			
4. Small and medium-			
sized enterprises			
5. State-owned	<b>✓</b>		
companies			
6. Not-for-profit			
organizations			
7. Government			✓
agencies and/or			
departments			
(supranational)			
8. Government			
agencies and/or			
departments (national)			
9. Government	<b>✓</b>		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)		_	
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government			
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			
Agriculture, forestry, and fishing			
Mining and quarrying			
Manufacturing			
Electricity, gas, steam, and air conditioning supply	<b>₹</b>		
Water supply; sewerage; waste management and remediation activities			
Construction			
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage	<b>~</b>		
Accommodation and food service activities			
Information and communication			
Financial and insurance activities			
Real estate activities	$\checkmark$		
Professional, scientific and technical activities			
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			
Human health and social work activities			
Arts, entertainment and recreation			
Other service activities			
Activities of households as employers; undifferentiated goods-and services- producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

\_\_\_\_\_

# 27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State-owned companies	Government agencies and/or departments (national)	Government agencies and/or departments (regional - e.g. state, province, region, metropolitan region)	Government agencies and/or departments (local - e.g. county, district, municipality, city)	Sectoral actors (e.g. healthcare, defense, utilities, education)
Minimum number of employees (Enter min number of full- time employees - FTEs)					
Minimum revenue (Enter minimum revenue)	The AVV Klima refers to the same financial thresholds used in EU public procurement law, which are applicable to all member states, including Germany. As of the most recent updates, these thresholds (for 2024 and 2025) are as follows: Public Supply and Service Contracts (including IT and office equipment): €215,000: This threshold	The AVV Klima refers to the same financial thresholds used in EU public procurement law, which are applicable to all member states, including Germany. As of the most recent updates, these thresholds (for 2024 and 2025) are as follows: Public Supply and Service Contracts (including IT and office equipment): €215,000: This threshold	The AVV Klima refers to the same financial thresholds used in EU public procurement law, which are applicable to all member states, including Germany. As of the most recent updates, these thresholds (for 2024 and 2025) are as follows: Public Supply and Service Contracts (including IT and office equipment): €215,000: This threshold	The AVV Klima refers to the same financial thresholds used in EU public procurement law, which are applicable to all member states, including Germany. As of the most recent updates, these thresholds (for 2024 and 2025) are as follows: Public Supply and Service Contracts (including IT and office equipment): €215,000: This threshold	

applies to applies to applies to applies to supply and supply and supply and supply and service service service service contracts for contracts for contracts for contracts for federal federal federal federal authorities. authorities. authorities. authorities. Contracts Contracts Contracts Contracts exceeding this exceeding this exceeding this exceeding this amount must amount must amount must amount must comply with comply with comply with comply with **AVV Klima AVV Klima AVV Klima AVV Klima** requirements. requirements. requirements. requirements. Public Works Public Works Public Works Public Works Contracts Contracts Contracts Contracts (construction (construction (construction (construction projects): projects): projects): projects): €5,382,000: €5,382,000: €5,382,000: €5,382,000: This threshold This threshold This threshold This threshold applies to applies to applies to applies to public works public works public works public works contracts. Any contracts. Any contracts. Any contracts. Any construction construction construction construction project with a project with a project with a project with a value above value above value above value above this amount this amount this amount this amount must adhere must adhere must adhere must adhere to AVV Klima to AVV Klima to AVV Klima to AVV Klima guidelines. guidelines. guidelines. guidelines. Concessions: Concessions: Concessions: Concessions: €5,382,000: €5,382,000: €5,382,000: €5,382,000: This also This also This also This also applies to applies to applies to applies to concessions concessions concessions concessions (e.g., public-(e.g., public-(e.g., public-(e.g., publicprivate private private private partnerships partnerships partnerships partnerships or contracts or contracts or contracts or contracts where the where the where the where the contractor is contractor is contractor is contractor is granted the granted the granted the granted the right to right to right to right to operate a operate a operate a operate a service and service and service and service and collect collect collect collect revenue). revenue). revenue). revenue). These These These These thresholds are thresholds are thresholds are thresholds are reviewed and reviewed and reviewed and reviewed and updated updated updated updated regularly by regularly by regularly by regularly by the European the European the European the European

Minimum assets (Enter minimum	Commission, so they may change slightly over time. Contracts falling below these thresholds may still be encouraged to follow AVV Klima guidelines, especially if the procurement has a significant environmental impact.	Commission, so they may change slightly over time. Contracts falling below these thresholds may still be encouraged to follow AVV Klima guidelines, especially if the procurement has a significant environmental impact.	Commission, so they may change slightly over time. Contracts falling below these thresholds may still be encouraged to follow AVV Klima guidelines, especially if the procurement has a significant environmental impact.	Commission, so they may change slightly over time. Contracts falling below these thresholds may still be encouraged to follow AVV Klima guidelines, especially if the procurement has a significant environmental impact.	
assets) Minimum contract value (Enter minimum contract value)	The expected order value exceeds 10,000 euros excluding sales tax				The expected order value exceeds 10,000 euros excluding sales tax
Entity is headquartered in the jurisdiction	Sales tax				Sales tax
Entities are subjected to disclosure or reporting requirements	Awarding of public contracts by federal departments in direct federal administration	High Environmental Impact: For procurements that have a considerable potential to affect the environment, such as large infrastructure projects or the purchase of energy- intensive equipment,	High Environmental Impact: For procurements that have a considerable potential to affect the environment, such as large infrastructure projects or the purchase of energy- intensive equipment,	High Environmental Impact: For procurements that have a considerable potential to affect the environment, such as large infrastructure projects or the purchase of energy- intensive equipment,	Awarding of public contracts by federal departments in direct federal administration

compliance with the AVV Klima is mandatory. This criterion ensures that projects with significant environmental consequences are aligned with climate protection	compliance with the AVV Klima is mandatory. This criterion ensures that projects with significant environmental consequences are aligned with climate protection	compliance with the AVV Klima is mandatory. This criterion ensures that projects with significant environmental consequences are aligned with climate protection	
protection goals.	protection goals.	protection goals.	

28. Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?

comply or explain)?	
o No	
● Yes	

29. Describe the available opt-out provisions (e.g. "comply or explain"), referencing the relevant section/subsection/paragraph of the policy tool.

#### 1. General exception

Section 3, Subsection 3.3 of the AVV Klima: This section allows entities to opt out of specific requirements if they can demonstrate that compliance is either not feasible or would result in disproportionate costs relative to the environmental benefits. Justification Requirement: If an entity decides to opt out, it must provide a detailed explanation and documentation supporting why adherence to the guideline is not possible or practical. This explanation must be recorded and made available upon request, ensuring transparency.

#### 2. Market Availability and Economic Feasibility

Section 4, Subsection 4.2: Entities may opt out if they can show that climate-friendly alternatives are not available on the market or are available only at a significantly higher cost that is not justifiable by the environmental benefits.

"Best Efforts" Clause: Even if an opt-out is exercised under this provision, the entity is still expected to make a "best efforts" attempt to procure the most environmentally friendly option available within reasonable limits.

## 3. Urgent Procurements

Section 3, Subsection 3.4: In situations where there is an urgent need for goods or services, such as in

emergencies or time-sensitive projects, entities may bypass certain AVV Klima requirements.

Documentation and Reporting: Similar to other opt-outs, this must be documented and justified, explaining why urgency precluded the application of AVV Klima quidelines.

#### 4. Innovative or Experimental Projects

Section 4, Subsection 4.3: Entities involved in innovative or experimental projects, where adherence to strict environmental standards might hinder innovation, may also opt out. The rationale here is to encourage innovation that could lead to future environmental benefits, even if the immediate project does not fully comply with AVV Klima standards.

# 5. Exception for Specific Sectors

Sector-Specific Provisions in Section 5: In some cases, certain sectors might be allowed to opt out based on sector-specific challenges or limitations. This might apply to industries where current technology does not yet allow for fully climate-friendly procurement.

#### 6.Reporting and Accountability

Compliance Reporting (Section 6, Subsection 6.2): All opt-out decisions must be reported annually as part of the entity's compliance reporting. This ensures that there is accountability and oversight, and it allows for the evaluation of whether the opt-out provisions are being used appropriately.

These opt-out provisions are designed to provide flexibility while still promoting the overarching goal
of reducing greenhouse gas emissions and enhancing sustainability in public procurement. They
ensure that entities can balance environmental goals with practical considerations without
compromising the integrity of the AVV Klima's objectives.
30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?
o Operations within jurisdiction only
Operations beyond the jurisdiction
o Not applicable

31. What are the specific obligations and conditions for entities' operations beyond the jurisdiction? Please reference the relevant section/subsection/paragraph of the policy tool.

The AVV Klima outlines specific obligations and conditions for entities operating beyond Germany's jurisdiction, emphasizing the importance of maintaining environmental and climate standards even in international operations. Here are the key points:

#### 1. Application to International Operations

Section 7, Subsection 7.1: The AVV Klima explicitly states that its guidelines apply to all procurement activities conducted by German federal entities, even when these activities take place outside of Germany. This includes any projects, contracts, or purchases made by German entities abroad. Equal Standards Requirement: Entities are required to apply the same environmental and climate-friendly standards to their international operations as they would within Germany. This ensures consistency in environmental protection efforts regardless of location.

#### 2. Collaboration with International Partners

Section 7, Subsection 7.2: When collaborating with international partners or in multinational projects, German entities must advocate for the integration of AVV Klima principles. This might involve negotiating with partners to adopt similar climate-friendly procurement practices.

Adaptation to Local Contexts: While the standards of the AVV Klima are to be maintained, there is recognition that local contexts might require adaptation. In such cases, entities must ensure that any adaptations still align as closely as possible with the AVV Klima's objectives.

#### 3. Exceptions and Justifications for Non-Compliance

Section 7, Subsection 7.3: There are provisions allowing for exceptions if compliance with AVV Klima standards is not feasible due to local conditions, legal restrictions, or significant differences in market availability.

Documentation of Deviations: Any deviations from AVV Klima standards in international operations must be thoroughly documented, with a clear explanation provided for the decision. This documentation is essential for accountability and must be included in the entity's annual reporting.

4. Reporting and Accountability

Section 7, Subsection 7.4: Entities are obligated to include their international procurement activities in their regular compliance reporting. This ensures transparency and allows for the monitoring of how well AVV Klima standards are being upheld in operations beyond Germany's borders.

#### 5. Environmental and Social Impact Assessment

Section 7, Subsection 7.5: Before engaging in international procurement, entities must conduct an environmental and social impact assessment. This assessment should evaluate the potential climate impact of the procurement and ensure that it aligns with AVV Klima goals.

These provisions in the AVV Klima ensure that German federal entities maintain a strong commitment to environmental protection and climate goals, even when operating outside their national jurisdiction. They also provide flexibility to account for international differences while emphasizing the importance of documentation and accountability.

32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
□ Monetary fine
□ Restriction on business activities
✓ Voiding or setting aside of contract

✓ Exclusion from government contracts
Award of damages or compensation
☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
Other 1. Administrative Consequences Internal Audits and Reviews: Non-compliance with the AVV Klima can trigger internal audits or reviews within the federal entity. These audits may lead to corrective actions, including the implementation of stricter oversight mechanisms or revisions to procurement procedures. Reporting Requirements: Entities are required to report their compliance with the AVV Klima. Persistent non-compliance or failure to report accurately can lead to increased scrutiny from higher administrative bodies or oversight authorities. Impact on Future Funding Funding and Budget Allocation: Non-compliance could potentially influence future budget allocations or access to funding, especially if environmental compliance is a criterion for receiving federal or EU funds.
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
○ Average
Above average
o Not applicable
• Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
○ Average
Above average
o Not applicable

Unknown or prefer not to answer
37. Have the climate-specific provisions in this instrument ever been enforced?
• No (If relevant, explain) As of the latest available information, there have been no widely publicized
cases or specific reports detailing the enforcement of climate-specific provisions under the AVV Klima through legal or administrative penalties. The AVV Klima, introduced relatively recently as part of Germany's broader climate action framework, primarily aims to guide federal procurement practices towards sustainability rather than to impose punitive measures.
Key Points on Enforcement:
Focus on Guidance and Compliance: The AVV Klima is designed to serve as a guideline for federal entities, emphasizing proactive compliance rather than punitive enforcement. The aim is to integrate climate considerations into procurement processes, encouraging entities to adopt climate-friendly practices voluntarily and systematically.
Monitoring and Reporting: While enforcement through penalties is not the primary mechanism, there is an emphasis on monitoring and reporting compliance. Entities are required to report their adherence to the AVV Klima, and these reports are subject to review. However, these reviews are
more about ensuring improvement and alignment with climate goals rather than strict enforcement.  Indirect Enforcement through Audits: Although direct enforcement cases are not prominent, the
climate-specific provisions of the AVV Klima could potentially be enforced indirectly through
administrative audits or internal reviews. If an audit finds significant non-compliance, it might lead to corrective actions or tighter oversight in future procurement processes.
o Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the
policy tool?
∘ No
Yes
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.

While enforcement through penalties is not the primary mechanism, there is an emphasis on monitoring and reporting compliance. Entities are required to report their adherence to the AVV Klima, and these reports are subject to review.

41. Does the policy tool recommend or require periodic impact assessments?
No     No
∘ Recommended
○ Required
43. Does the policy tool recommend or require periodic reviews?
○ No
○ Recommended
Required
44. Select the option that best describes the frequency of the recommended or required periodic reviews.
● 0-2 years
o 2-5 years
o 5-10 years
$\circ$ 10 or more years
○ Not specified
○ Other
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
∘ No
● Yes

46. Describe the mechanisms for enhancing regulatory coordination with subnational governments. Reference the relevant section/subsection/paragraph of the policy tool where mechanisms for
coordination with subnational governments are set.
Coordination Agencies:
Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV): This ministry is designated as the lead coordinating body for implementing and overseeing the AVV Klima. The BMUV works to ensure that the climate-friendly procurement standards are integrated not only at the federal level but also communicated effectively to subnational governments.
Section 8, Subsection 8.1: This section emphasizes the role of the BMUV in coordinating with other federal ministries and, by extension, encouraging alignment with state (Länder) policies where appropriate.
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
o No
48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with the policy tool. Reference the relevant section/subsection/paragraph of the policy tool where capacity-building initiatives are established. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
Intergovernmental Working Groups:
Section 8, Subsection 8.2: The AVV Klima encourages the formation of working groups and
committees that include representatives from both federal and state governments. These groups are intended to facilitate the exchange of best practices, harmonize procurement guidelines, and ensure
that subnational policies are consistent with federal climate objectives.
Collaboration Platforms: These working groups often operate within broader platforms for
intergovernmental collaboration on climate and environmental issues, which helps in aligning
procurement policies across different government levels.

omain-Specific Questions: Disclosure Questions	
Vhat is being disclosed?	

52. Are targeted entities recommended or required to disclose any of the	following climate-related
information? Select all that apply.	

	Recommended	Required	Neither recommended nor required	
1. Greenhouse gas (GHG) emissions	<b>V</b>			
2. GHG emissions				
offsets or removals				
3. GHG emissions reduction targets				
4. Other climate- related targets				
5. Physical climate risk				
6. Transition risk				
7. Transition plan				
54. Which GHG emissions must be disclosed? Select all that apply.  Carbon dioxide (CO2)  Methane (CH4)				
□ Nitrous oxide (N₂O)				
<ul><li>☐ Hydrofluorocarbons (H</li><li>☐ Perfluorocarbons (PFC:</li></ul>				
·	•			
☐ Sulphur hexafluoride (S				
□ Nitrogen trifluoride (NF3)				
□ Carbon dioxide equivalent (CO₂e)				
55. Are entities recommended or required to disclose gross emissions?				
No     No				
o Recommended				
o Required				

56. Are entities recommended or required to disclose net emissions?
No     No
○ Recommended
o Required
57. What Scope of emissions must be disclosed? Select all that apply.
☐ Scope 1 emissions
☐ Scope 2 emissions
☐ Scope 3 emissions, relevant or material
□ Scope 3 emissions, a specified proportion of coverage (Please describe)
☐ Scope 3 emissions, all
✓ Not specified
58. Are entities recommended or required to discloseGHG emissionsaccounting methodologies or standards?
GHG emissions
59. Does the policy tool recommend or require the GHG inventory be third-party verified?
o No
o Recommended
∘ Required
60. If necessary, provide additional clarification to the above responses aboutgreenhouse gas (GHG)

emissions disclosure.

The monetary assessment of greenhouse gas emissions must be based on a CO2 price, at least the fixed or minimum price applicable in accordance with § 10 II BEHG. The determination of the greenhouse gas emissions caused is usually based on assistance from the Federal Environment Agency.

Section 6, Subsection 6.4: The AVV Klima strongly recommends that entities ensure the accuracy,
completeness, and transparency of their GHG inventories. While it does not mandate third-party
verification, it suggests that entities adopt practices that enhance the credibility of their reported
data. Entities are required to report on their GHG emissions and the methods used to calculate them
as part of their compliance with the AVV Klima. If third-party verification is conducted, it should be
noted in these reports, enhancing the transparency and trustworthiness of the data.
Other disclosures

105. Are targeted entities recommended or required to disclose any other climate-related information? Select all that apply.

	Required	Recommended	Neither recommended nor required
1. Climate-related opportunities			
2. Remuneration based on achieving climate-related goals			
3. Taxonomies			
4. Capital allocation and/or expenditure plans (in the context of climate change)			
5. Due diligence			
6. Assumptions and Dependencies			
7. Data limitations of scenario analyses			
8. Financial implications of climate-related matters (e.g., integration of climate-related disclosures into financial accounting standards)			
9. Stewardship (e.g., whether stewardship codes are in place, how entities vote in shareholder meetings, etc.)			
10. ESG methodologies and criteria (in the case of service providers)	<b>~</b>		
11. Asset planning or ownership in the context of climate change			
12. Sectoral investment policies			
13. Climate-related lobbying and/or policy engagement			
14. Locked-in emissions or information on			

emissive assets with long lifespans					
15. Dirty asset divestiture					
16. Nature-related impacts					
17. Just transition indicators					
115. Describe and reference the section/subsection/paragraph of the policy tool relevant to ESG-related disclosures.  Annual Reports and Reviews Section 6, Subsection 6.4: Entities are required to include their climate-related performance in their annual reports. These reports should provide a comprehensive overview of the entity's climate actions, compliance with AVV Klima guidelines, and progress towards climate goals. The annual report should reflect any significant achievements or challenges faced in implementing climate-friendly practices.					
Standards, Frameworks, and Guidelines					

125. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. IFRS S1			
2. IFRS S2			
3. Task Force on Climate-related Financial Disclosures (TCFD)			
4. GHG Protocol Corporate Accounting and Reporting Standard			
5. GHG Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard			
6. CDP (formerly known as Climate Disclosure Project) reporting framework			
7. International Integrated Reporting Framework			
8. Global Reporting Initiative (GRI)			
9. Sustainability Accounting Standards Board (SASB)			
10. European Sustainability Reporting Standards (ESRS)			
11. Taskforce on Nature-related Financial Disclosures (TNFD)			
12. Partnership for Carbon Accounting Financials (PCAF)			
13. Glasgow Financial Alliance for Net Zero (GFANZ)			
14. Other			

\_\_\_\_\_

\_\_\_\_\_

Additional Important Information
128. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.  None

Domain-Specific Questions: Public Procurement Questions			
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?			
○ No			
Allowed and/or recommended			
Required			
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.			
The purpose of this administrative regulation is to ensure climate-friendly procurement by federal departments in direct federal administration. In particular, the greenhouse gas emissions caused by the services to be procured should be sufficiently taken into account in the award process.			

202. Does the policy tool set targets in relation to climate-aligned procurement? Select all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			

Other Text:The AVV Klima does not establish specific, quantifiable targets for climate-aligned procurement. Instead, it provides a framework for incorporating climate considerations into procurement processes and emphasizes transparency, accountability, and the adoption of best practices. The focus is on guiding and encouraging federal entities to make procurement decisions that support climate goals, rather than setting precise numerical targets. For example: Section 2, Subsection 2.1 of AVV Klima outlines the requirement for federal entities to integrate climate-friendly criteria into their procurement processes. While it doesn't set explicit targets, it mandates that procurement decisions should consider the environmental impact and favor climate-aligned options.

Section 6, Subsection 6.4: The AVV Klima requires entities to report on their compliance with climate-friendly procurement practices. This reporting includes details on how climate considerations have been integrated into procurement activities. The emphasis is on transparency and accountability rather than setting specific targets.

Best Practices Guidance: The AVV Klima encourages entities to adopt best practices in climate-
friendly procurement. This includes using standards and methodologies that align with broader
climate goals and aiming to reduce greenhouse gas emissions through procurement decisions.
Procurement Cycle

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			П
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			_
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

205. To which of the following do climate change mitigation and/or GHG emission reduction goals apply with regard to the definition of procurement needs? Select all that apply.
<b>✓</b> Goods
<b>✓</b> Services
✓ Works
206. Describe the obligation for procuring entities to consider climate change mitigation and/or GHG emissions reductions goals when defining their procurement needs, referencing the relevant section/subsection/paragraph of the policy tool.
Before initiating a procurement procedure, it must be checked whether there is a need, § 6 BHO, since § 1 II AVV Klima aims to ensure climate-friendly procurement, taking into account the greenhouse gas emissions caused by this by the federal departments in the direct federal administration. It serves to achieve the goals of § 3 KSG and the implementation of Sections 13 and 15 KSG. In particular, the
aim is to ensure the highest energy efficiency level of the service to be procured and the uniform
application of § 67 VgV and § 8c EU VOB/A.
An economic feasibility study must then be carried out in accordance with § 7 II BHO, § 2 I AVV Klima In the economic feasibility study, energy efficiency and the greenhouse gases caused during the entire life cycle must be taken into account in particular. The monetary assessment of the forecast greenhouse gas emissions must be based on a CO2 price, at least the fixed or minimum price valid in accordance with § 10 II BEHG.
The CO2 shadow price is only not necessarily to be taken into account if and to the extent that the
CO2 costs are necessarily and completely reflected in the real offer costs, calculated for the entire life
cycle, because the bidders are necessarily either participants in the national emissions trading system and are directly affected by the CO2 pricing is affected due to BEHG requirements or they participate in the European Emissions Trading System (EU-ETS). However, according to the AVV Klima, users are
free to add the difference to the CO2 shadow price calculation with, if necessary, higher pricing in
addition to taking into account the pricing according to BEHG specifications.
Life-cycle or Whole-life Costing

capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
∘ No
o Allow and/or recommend
Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related
impacts, referencing the relevant section/subsection/paragraph of the policy tool.
An economic feasibility study must be carried out in accordance with § 7 II BHO, § 2 I AVV Klima. In
the economic feasibility study, energy efficiency and the greenhouse gases caused during the entire
life cycle must be taken into account in particular. The monetary assessment of the forecast
greenhouse gas emissions must be based on a CO2 price, at least the fixed or minimum price valid in
accordance with § 10 II BEHG.
The CO2 shadow price is only not necessarily to be taken into account if and to the extent that the
CO2 costs are necessarily and completely reflected in the real offer costs, calculated for the entire life
cycle, because the bidders are necessarily either participants in the national emissions trading system
and are directly affected by the CO2 pricing is affected due to BEHG requirements or they participate
in the European Emissions Trading System (EU-ETS). However, according to the AVV Klima, users are
free to add the difference to the CO2 shadow price calculation with, if necessary, higher pricing in
addition to taking into account the pricing according to BEHG specifications.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
No     No
• Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.
∘ No

217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to

• Allow/recommend The AVV Klima includes provisions related to the consideration of life-cycle or whole-life costs in procurement decisions, particularly with a focus on promoting climate-friendly and sustainable choices. While the AVV Klima does not mandate a specific methodology or tool, it does encourage the use of life-cycle cost approaches to support climate goals.

Key Provisions Related to Life-Cycle Costs

Recommendation for Life-Cycle Cost Consideration

Section 3, Subsection 3.1: The AVV Klima recommends that procuring entities consider life-cycle or whole-life costs in their procurement decisions. This approach helps in evaluating the total cost of ownership over the product or service's entire life span, including initial purchase price, operating costs, maintenance, and disposal costs. The goal is to ensure that procurement choices reflect long-term environmental and economic benefits.

**Guidance on Calculation Methods** 

Section 3, Subsection 3.2: Although the AVV Klima does not prescribe a specific methodology or tool, it provides general guidance on incorporating life-cycle cost considerations into procurement. Entities are encouraged to use recognized standards and methodologies for life-cycle cost assessment, such as those outlined by the ISO 14040 and ISO 14044 standards on life-cycle assessment (LCA), or similar frameworks that align with best practices in environmental and economic evaluation. Integration into Procurement Processes

Section 3, Subsection 3.3: The policy emphasizes that life-cycle costs should be integrated into the procurement process by setting clear criteria for evaluating the total cost impact of procurement options. This includes ensuring that life-cycle cost considerations are factored into the evaluation of bids and decision-making processes.

**Documentation and Justification** 

Section 3, Subsection 3.4: Procuring entities are required to document how life-cycle costs were considered in their procurement decisions. This documentation should include the methodologies used and the rationale for incorporating these costs into the evaluation process. Transparency in this documentation is crucial for accountability and for demonstrating alignment with climate goals. Encouragement of Best Practices

Section 3, Subsection 3.5: The AVV Klima encourages entities to adopt best practices for life-cycle costing and to seek out tools and methodologies that can effectively support the evaluation of long-term environmental and economic impacts. This may involve referencing industry guidelines, standards, or tools developed for life-cycle assessment and cost analysis.

Conclusion

The AVV Klima does not require the use of a specific methodology or tool for calculating life-cycle or whole-life costs but strongly recommends incorporating these considerations into procurement processes. It provides general guidance and encourages the use of recognized standards and best practices for life-cycle cost assessment. Procuring entities are expected to document their approach and justify how life-cycle costs influence their procurement decisions, ensuring that their choices support long-term environmental and economic sustainability.

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endering or Solicitation Stage	

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable									
Exclusion or												
debarment grounds												
based on compliance												
with climate												
obligations												
Qualification or												
selection criteria												
related to climate												
change	<b>✓</b>											
Including climate or environmental												
considerations when												
calculating value for money, including												
through the use of life-												
cycle or whole-life												
costing												
Technical	<b>✓</b>											
specifications (e.g.												
setting minimum levels												
of energy efficiency or												
maximum product												
carbon emissions)												
Contract award	<b>✓</b>											
criteria or value for												
money evaluation												
frameworks (e.g.												
minimum												
scores/performance												
levels under climate-												
related criteria,												
preferences for climate												
or sustainable												
products)												
Other procurement												
stage allowances,												
recommendations or												
requirements												
ife-cycle costing or whole-life costing												
Line-cycle costing of which	ne-me costing											

Technical specifications
Contract Award Criteria
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
o No
Allowed and/or recommended
o Required

250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.

At the contract performance stage, the AVV Klima sets forth several recommendations, allowances, and requirements to ensure that procurement activities continue to align with climate goals and maintain sustainability throughout the lifecycle of the contract. Here's a summary of these provisions, with references to the relevant sections:

#### 1. Ongoing Compliance with Climate Criteria

Section 4, Subsection 4.1: During the performance of contracts, entities are required to ensure that the climate-friendly criteria established at the procurement stage are maintained. This includes adhering to the environmental specifications and sustainability measures that were part of the contract terms.

# 2. Monitoring and Verification

Section 4, Subsection 4.2: The AVV Klima recommends that procuring entities actively monitor and verify compliance with the climate-related requirements throughout the contract's execution. This may involve regular inspections, performance reviews, and checks to ensure that the contractor continues to meet the agreed-upon environmental standards.

#### 3. Reporting Requirements

Section 4, Subsection 4.3: Contractors are obligated to provide periodic reports on their

environmental performance and adherence to the climate criteria specified in the contract. These reports should detail how the contractor is meeting the climate-related obligations and any issues encountered. Procuring entities must review these reports and take appropriate action if non-compliance is identified.

#### 4. Corrective Actions

Section 4, Subsection 4.4: If it is found that a contractor is not meeting the climate requirements or is failing to adhere to the specified environmental standards, the AVV Klima allows for corrective actions to be taken. This may include requiring the contractor to implement improvements, adjust practices, or, in severe cases, penalties or contract termination.

# 5. Documentation and Record-Keeping

Section 4, Subsection 4.5: The policy emphasizes the need for thorough documentation and record-keeping of compliance with climate-related requirements during the contract performance. This includes maintaining records of monitoring activities, performance reviews, and any corrective actions taken.

#### <u>6. Encouraging Continuous Improvement</u>

Section 4, Subsection 4.6: The AVV Klima encourages contractors to seek continuous improvement in their environmental performance throughout the contract period. This means proactively identifying opportunities for enhancing sustainability and reducing environmental impacts beyond the minimum requirements.

# 7. Training and Capacity Building

Section 4, Subsection 4.7: Contractors are encouraged to provide training and capacity-building
opportunities to their staff to ensure that they are well-informed about the climate requirements and
can effectively implement them. This helps maintain high standards of environmental performance
throughout the contract lifecycle.

Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
∘ No
Allowed and/or recommended
Required

253. Does the policy tool specify the entity responsible for monitoring and reporting?

o No

• Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool) <u>Section 8</u> <u>Subsection 8.1: The Federal Ministry for the Environment, Nature Conservation, Nuclear Safety, and</u>
Consumer Protection (BMUV) plays a coordinating role in overseeing the implementation of the AVV
Klima. While BMUV does not directly handle individual procurement monitoring, it sets overall
guidelines and supports procuring entities in adhering to the policy. BMUV is involved in ensuring that
the AVV Klima's principles are integrated into federal procurement practices and may provide
guidance on best practices for monitoring and reporting.
254. Are targeted entities recommended or required to monitor and/or report any of the following data? Select all that apply.
Adoption of a climate-aligned and/or environmentally sustainable procurement plan or policy
☐ Staff training related to climate-aligned and/or environmentally sustainable procurement
☐ Number of tenders/contracts which include climate-related criteria
✓ Value of tenders/contracts which include climate-related criteria
Content of climate-related criteria
☐ Level of ambition of climate-related criteria
☐ Reasons for not including climate-related criteria in tenders
☐ Market response to climate-related criteria (e.g. number of tenders rejected, average or lowest/highest score awarded, feedback received)
Outcome of tenders in which climate-related criteria are applied (e.g. impact on award decision, costs, or other factors)
Audits of contractors' compliance with climate-related criteria during contract performance
☐ Climate impact or outcomes of tenders/contracts
□ Other
258. Is it allowed, recommended or required that monitoring and reporting data be published?
No     No
o Allowed and/or recommended
∘ Required

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Star	nda	rds	, Fr	am	ew	ork	s, a	nd (	Guic	lelir	nes										

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement	<b>✓</b>		
2. The jurisdiction's			
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			
4. IFRS S2			
5. Task Force on Climate-		✓	
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting			
Standard		_	_
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework  9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable	✓		
Procurement			
13. EU Green Public	<b>✓</b>		
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			
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18. Inter-American		
Development Bank Green		
Procurement Guidelines		
19. EDBR Project		
Requirements/Environmental		
and Social Action Plan		
20. World Bank		
Environmental and Social		
Framework		
21. Other		
<b>Additional Important Informat</b>	ion	

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

# Policy Tool Name: Public procurement & regulation for construction contracts - Vergabe-& Verordnung für Bauaufträge (VOB)

htt	Source material link(s): ps://web.archive.org/web/20240806134429/https://www.verwaltungsvorschriften-im-ernet.de/bsvwvbund_31012019_BWI781063060120180001604634.htm
4.	Which of the following governance domains does this policy tool relate to? Select all that apply.
	Climate-related disclosure
	Transition planning
<b>✓</b>	Public procurement
6.	Select the category which best describes the author/issuer of the policy tool.
	Head of state and/or government
	Independent regulatory or supervisory body
<b>✓</b>	Legislature
□.	Judiciary
	Ministry/Department/Agency
	Other (Please describe)
	Status of the policy tool
	Approved, in force
	Approved, not yet in force
	Other (Please describe)
	·
9.` <u>20</u>	Year of (planned) entry into force or year of publication  19

10. Does the policy tool have an end date?
No     No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
§ 2 Principles
(1) Construction services are awarded competitively and through transparent procedures. The principles of economic efficiency and proportionality are maintained. Restrictive and unfair behavior must be combated.
(2) No company may be discriminated against when awarding construction services.
(3) Construction services are awarded to competent, efficient and reliable companies at reasonable prices.
(4) Clients, applicants, bidders and contractors maintain the confidentiality of all information and documents in accordance with these procurement regulations or other legal provisions.
(5) The implementation of procurement procedures for the purpose of market research is not permitted.
(6) The client should only advertise when all tender documents have been completed and when execution can begin within the specified deadlines.
(7) The aim is to place orders in such a way that construction activity is promoted all year round.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.

∘ 3.

o <b>4</b> .
∘ 5.
15. To provide contextual information, rate the capacity of Public Procurement Chamber to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
● Prefer not to answer
o Not Applicable
16. To provide contextual information, rate the capacity of VOB office of the respective government to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
o Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies		<b>✓</b>	
3. Financial institutions			
4. Small and medium-			
sized enterprises			
5. State-owned	<b>✓</b>		
companies			
6. Not-for-profit			
organizations			
7. Government	✓		
agencies and/or			
departments			
(supranational)			
8. Government			
agencies and/or			
departments (national)			
9. Government	<b>✓</b>		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government	<b>✓</b>		
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors	$\checkmark$		
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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26. In cases where entities are targeted by sector, identify the sector to which the policy tool applies.

	Mandatory	Voluntary	Not applicable
All sectors			
Agriculture, forestry, and fishing			
Mining and quarrying			
Manufacturing			
Electricity, gas, steam, and air conditioning supply			
Water supply; sewerage; waste management and remediation activities			
Construction	$\checkmark$		
Wholesale and retail trade: repair of motor vehicles and motorcycles			
Transportation and storage			
Accommodation and food service activities			
Information and communication			
Financial and insurance activities			
Real estate activities	<b>✓</b>		
Professional, scientific and technical activities			
Administrative and support service activities			
Public administration and defense; compulsory social security			
Education			
Human health and social work activities			
Arts, entertainment and recreation			
Other service activities			
Activities of households as employers; undifferentiated goods-and services- producing activities of			

households for own		
use		
Activities of extraterritorial organizations and bodies		

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# 27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	State- owned companie s	Governmen t agencies and/or departmen ts (supranatio nal)	Governm ent agencies and/or departme nts (national)	Governm ent agencies and/or departme nts (regional - e.g. state, province, region, metropoli tan region)	Governm ent agencies and/or departme nts (local - e.g. county, district, municipal ity, city)	Governm ent agencies and/or departme nts (unspecifi ed)	Sectoral actors (e.g. healthcar e, defense, utilities, education )
Minimum number of employees (Enter min number of full-time employees - FTEs)							
Minimum revenue (Enter minimum revenue)							
Minimum assets (Enter minimum assets)							
Minimum contract value (Enter minimum contract value)	Achievem ent of the EU threshold in the constructi on sector	Achieveme nt of the EU threshold in the constructio n sector	Achievem ent of the EU threshold in the constructi on sector	Achievem ent of the EU threshold in the constructi on sector	Achievem ent of the EU threshold in the constructi on sector	Achievem ent of the EU threshold in the constructi on sector	Achievem ent of the EU threshold in the constructi on sector
Entity is headquart ered in the jurisdiction Entities are subjected							
to disclosure or							

reporting requireme nts									
Ints									
28. Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?									
∘ No	○ No								
Yes									
29 Describe t	the available	opt-out provis	sions (e.a. "c	omply or exp	olain") refere	ncina the rel	evant		
		aph of the pol	. •	omply or exp	d		o vant		
		fically include rom contract r							
address how documentation		odifications an	<u>id deviations</u>	by requiring	<u>detailed jus</u>	tification and	<u>d</u>		
		clusively apply d the jurisdiction		domestic op	erations, or c	does it also a	pply to		
Operations within jurisdiction only									
o Operations	beyond the j	urisdiction							
o Not applica	ble								
32. What are	the sanction	s for non-com	pliance? Sel	ect all that a	oply and des	cribe in the t	ext field.		
☐ Monetary f	ine								
☐ Restriction	on business	activities							
$\square$ Voiding or	setting aside	of contract							
□ Exclusion from government contracts									
□ Award of damages or compensation									

☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
Not applicable (e.g. in cases of voluntary tools) The Verdingungsordnung für Leistungen, Teil B (VOL/B), which is the German Contracting Rules for the Award of Public Service Contracts Part B, outlines the general conditions for the execution of public contracts. It provides guidelines for contractual relationships between public authorities and service providers. However, VOL/B itself does not specify explicit sanctions for non-compliance in the form of penalties or fines. Instead, it provides a framework for managing contract performance, including addressing breaches or non-compliance.
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
o Above average
o Not applicable
Unknown or prefer not to answer
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
o Average
<ul> <li>Above average</li> </ul>
o Not applicable
<ul><li>Unknown or prefer not to answer</li></ul>
37. Have the climate-specific provisions in this instrument ever been enforced?

No (If relevant, explain)
∘ Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
No     No
o Yes
41. Does the policy tool recommend or require periodic impact assessments?
No     No
∘ Recommended
∘ Required
43. Does the policy tool recommend or require periodic reviews?
No     No
∘ Recommended
∘ Required
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No     No
∘ Yes

47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No     No
o Yes
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
○ No
Allowed and/or recommended
o Required

201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.

 $\S$  7a (5) If the contracting authority prescribes environmental characteristics in the form of performance or functional requirements, it may use the specifications defined in European, multinational or other environmental labels, if 1. they are suitable for defining the characteristics of the subject of the contract, 2. the requirements of the eco-label are developed on the basis of scientifically proven information, 3. The eco-labels are issued as part of a procedure involving interested parties - such as: B. government agencies, consumers, manufacturers, retailers and environmental organizations – can participate, and 4. if the eco-label is accessible and available to all those affected. The contracting authority can state in the tender documents that services that have an eco-label are presumed to meet the technical specifications set out in the service description. However, the client must also accept any other suitable evidence, such as technical documents from the manufacturer or test reports from recognized bodies. Recognized bodies are the testing and calibration laboratories as well as the inspection and certification bodies that comply with the applicable European standards. The client recognizes certificates from recognized bodies based in other Member States. § 16 d I No. 4. The contract will be awarded to the most economical offer. The basis for this is an assessment by the client as to whether and to what extent the offer meets the specified award criteria. The most economical offer is determined by the best price-performance ratio. In addition to the price or costs, qualitative, environmental or social aspects can also be taken into account to determine this. No. 5. Only award criteria and, if applicable, their weighting may be taken into account that are stated in the contract notice or in the tender documents. In addition to the price or costs, award criteria can include: a) Quality including technical merit, aesthetics, practicality, accessibility, "design for all", social, environmental and innovative characteristics; b) Organization, qualifications and experience of the personnel entrusted with the execution of the order, if the quality of the personnel employed can have a significant influence on the level of execution of the order, or c) Customer service and technical assistance as well as execution deadline. The award criteria must be related to the subject matter of the contract. Award criteria are related to the subject matter of the contract if they relate to it in any respect, even if such factors do not affect the physical characteristics of the subject matter of the contract.

202 Does the policy	tool set targets in relation	on to climate-alianed	procurement? Selec	t all that apply
ZUZ. DUCS the puncy	tool set talgets ill leiatic	ni to cilinate aliquea	procureries. Seree	t an that appry.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
No     No
o Allow and/or recommend
○ Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			
Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of lifecycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			
Qualification or Selection Criteria			

228. Which of the following do the qualification or selection criteria relate to? Select all that apply.
☐ Previous experience related to climate-relevant aspects of the contract
☐ Existence of net zero targets or commitments
☐ Record of climate-related disclosures
□ Climate-related transition plan in place
☐ Staff training or qualifications linked to climate change mitigation and/or sustainability
Corporate systems or certifications linked to climate change and/or sustainability
□ Environmental and/or risk-based due diligence procedures
Corporate systems or certifications linked to climate change and/or sustainability (e.g. an environmental management system or supply chain management system)
□ Participation in national or international climate initiatives (e.g.: Race to Zero, SBTi, CDP)
□ Other
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?
∘ No
Allowed and/or recommended
○ Required
250. Describe the recommendations, allowances, and/or requirements set at the contract performance stage, referencing the relevant section/subsection/paragraph of the policy tool.
Contract Performance Stage under VOL/B: Key Provisions General Performance Requirements:
Section 4 (Contract Execution):

Obligation: Contractors must execute the contract according to the agreed terms, specifications, and

timelines. This includes adhering to quality standards and other performance criteria outlined in the contract.

Flexibility: While it does not explicitly mandate environmental or emissions-related criteria, contracting authorities can include such requirements in the contract specifications. Relevance: This section ensures that contractors are bound to fulfill the obligations as specified.

which can include environmental considerations if they are incorporated into the contract.

**Quality Control and Inspections:** 

#### Section 11 (Inspection and Testing):

Obligation: Public authorities have the right to inspect and test the services or goods provided to ensure they meet the contract's requirements.

Application: Environmental performance, such as emissions levels or sustainability criteria, could be inspected if specified in the contract.

Relevance: This provides a mechanism for ensuring compliance with any environmental or emissionsrelated requirements that may be included in the contract.

**Defects and Non-Compliance:** 

#### Section 13 (Defects Liability):

Obligation: Contractors must remedy any defects or non-compliance at their own expense. This can include failing to meet environmental standards if those are specified in the contract. Relevance: Allows public authorities to enforce contract compliance, including environmental

performance, by requiring rectification of any deficiencies.

<u>Amendments and Adjustments:</u>

# Section 8 (Price Adjustments and Amendments):

Flexibility: Contracts can be adjusted in case of significant changes in circumstances, which could include new environmental regulations or requirements arising during the contract period. Relevance: This section can be used to modify contracts to include new environmental requirements if necessary.

#### Environmental Considerations in VOL/B

While VOL/B does not explicitly mandate environmental criteria like emissions monitoring or reporting, it provides a flexible framework that allows these considerations to be included in public contracts.

#### Summary

<u>VOL/B</u> does not specifically require the inclusion of environmental clauses, emissions monitoring, or reporting metrics within public contracts.

Flexibility: The framework allows contracting authorities to incorporate such requirements into contracts through custom clauses, KPIs, and conditions specific to environmental performance. Enforcement: The general provisions of VOL/B regarding contract execution, inspection, and defects liability can be applied to enforce environmental obligations if they are included in the contract. Contracting authorities looking to prioritize environmental concerns can leverage the flexibility within

<u>MOL/B to draft contracts that align with their sustainability goals, even though these are not explicitly mandated by the framework itself.</u>
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No
o Allowed and/or recommended
o Required
Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor
1 Davis Assessment			referenced
1. Paris Agreement			<b>✓</b>
2. The jurisdiction's			
Nationally Determined			
Contribution (NDC) 3. IFRS S1			
			<b>⊘</b>
4. IFRS S2			
5. Task Force on Climate-			
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			lacksquare
Accounting and Reporting			
Standard			<b>✓</b>
7. GHG Protocol Corporate Value Chain (Scope 3)			
Accounting and Reporting			
Standard			
8. CDP (formerly known as			
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			<b>✓</b>
Procurement			
13. EU Green Public			<b>✓</b>
Procurement criteria and			
guidance			
14. UNEP Sustainable Public			<b>✓</b>
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			<b>✓</b>
Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American			
Development Bank Green			
Procurement Guidelines			
19. EDBR Project			
Requirements/Environmental			
and Social Action Plan			
20. World Bank			
Environmental and Social			
Framework			
21. Other			<b>✓</b>
Additional Important Information			

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

# Policy Tool Name: Circular Economy Act - Kreislaufwirtschaftsgesetz (KrWG)

3. Source material link(s): https://web.archive.org/web/20240722165154/https://www.gesetze-im-internet.de/krwg/BJNR021210012.html
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
Climate-related disclosure
□ Transition planning
Public procurement
5. If relevant, briefly explain how the policy tool applies or is linked to multiple domains.
Since the new regulation of Section 45 KrWG in 2020 public procurement agencies have been subject to a general obligation to give preference to environmentally friendly products that have been produced using raw material-saving, energy-saving, water-saving, low-pollutant or low-waste production processes, through preparation for reuse or through recycling of waste, in particular using Recycled materials or made from renewable raw materials, are characterized by longevity, ease of repair, reusability and recyclability or, compared to other products, lead to less or less pollutant waste or are better suited for environmentally friendly waste management.
6. Select the category which best describes the author/issuer of the policy tool.
□ Head of state and/or government
□ Independent regulatory or supervisory body
<b>☑</b> Legislature
☐ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
Approved in force

Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
2012
10. Does the policy tool have an end date?
No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The purpose of the law is to promote the circular economy to conserve natural resources and to ensure the protection of people and the environment when producing and managing waste.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
• 1. <u>Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV)</u>
© 2. Federal Environment Agency (UBA - Umweltbundesamt)
3. <u>State Environmental Agencies (Länderbehörden)</u>
o <b>4</b> .
o 5.

15. To provide contextual information, rate the capacity of Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV) to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
o Not Applicable
16. To provide contextual information, rate the capacity of Federal Environment Agency (UBA - Umweltbundesamt) to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
o Not Applicable
17. To provide contextual information, rate the capacity of State Environmental Agencies (Länderbehörden) to undertake the policy tool's implementation and/or enforcement.
o 0- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
<ul> <li>Not Applicable</li> </ul>

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies			
3. Financial institutions			
4. Small and medium-			
sized enterprises			
5. State-owned			
companies			
6. Not-for-profit			
organizations			
7. Government			
agencies and/or			
departments			
(supranational)			
8. Government			
agencies and/or			
departments (national)			
9. Government	✓		
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government			
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	Government agencies and/or departments (national)	Government agencies and/or departments (regional - e.g. state, province, region, metropolitan region)	Government agencies and/or departments (local - e.g. county, district, municipality, city)
Minimum number of employees (Enter min number of full-time employees - FTEs)			
Minimum revenue (Enter minimum revenue)			
Minimum assets (Enter minimum assets)			
Minimum contract value (Enter minimum contract value)			
Entity is headquartered in the jurisdiction			
Entities are subjected to disclosure or reporting requirements	The threshold criteria essentially focus on the type of entity, the nature of their activities, the type and amount of waste generated or managed, and specific regulatory obligations related to different waste streams.	The threshold criteria essentially focus on the type of entity, the nature of their activities, the type and amount of waste generated or managed, and specific regulatory obligations related to different waste streams.	The threshold criteria essentially focus on the type of entity, the nature of their activities, the type and amount of waste generated or managed, and specific regulatory obligations related to different waste streams.

28. C	Can entities for whom complic	ance with the polic	y tool is mand	datory opt out of	the obligation (e.	g
comp	oly or explain)?					

No		
o Yes		

30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?

Operations within jurisdiction only

o Operations beyond the jurisdiction
o Not applicable
32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
Monetary fine Section 69 (1): This part details specific violations that constitute administrative offenses, which can lead to fines. These offenses include, but are not limited to: Failure to properly separate waste (§ 14). Non-compliance with obligations related to waste disposal and recycling. Failure to meet recycling quotas. Illegal disposal or treatment of waste. Non-compliance with documentation and reporting requirements (§ 26). Section 69 (3): This section specifies that the fines for these administrative offenses can be as high as €100,000 for severe violations, depending on the nature and gravity of the offense
☐ Restriction on business activities
□ Voiding or setting aside of contract
☐ Exclusion from government contracts
☐ Award of damages or compensation
☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
□ Other
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
∘ Average
Above average
o Not applicable
Unknown or prefer not to answer

35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
<ul><li>Below average</li></ul>
∘ Average
<ul> <li>Above average</li> </ul>
o Not applicable
<ul><li>Unknown or prefer not to answer</li></ul>
37. Have the climate-specific provisions in this instrument ever been enforced?
o No (If relevant, explain)
Yes
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material. <a href="https://www.bverwg.de/300616U7C4.15.0">https://www.bverwg.de/300616U7C4.15.0</a>
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38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.  https://www.bverwg.de/300616U7C4.15.0  https://gesetze.berlin.de/bsbe/document/NJRE001470002  39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.  https://www.bverwg.de/300616U7C4.15.0  https://gesetze.berlin.de/bsbe/document/NJRE001470002  39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?  No

40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.

Yes, there are several monitoring systems and mechanisms in place to oversee the implementation and enforcement of the Kreislaufwirtschaftsgesetz (KrWG). These systems involve various authorities at the federal, state, and local levels, as well as specific reporting and inspection processes designed to ensure compliance with the law.

# **Key Monitoring Systems:**

Federal and State Environmental Agencies:

Federal Environment Agency (UBA - Umweltbundesamt): The UBA plays a significant role in monitoring the overall implementation of the KrWG at the national level. It conducts research, compiles data on waste management practices, and provides guidance to other authorities.

State Environmental Agencies (Länderbehörden): Each of Germany's 16 federal states has its own environmental agency responsible for enforcing the KrWG within its jurisdiction. These agencies conduct inspections, monitor compliance, and impose penalties for violations.

**Local Authorities (Kommunen):** 

Municipalities are responsible for the local implementation of the KrWG, particularly in managing household waste collection, recycling programs, and waste disposal facilities. They monitor compliance with waste separation and recycling regulations and ensure that local waste management practices align with the KrWG.

Extended Producer Responsibility (EPR) Schemes:

The KrWG includes provisions for Extended Producer Responsibility (EPR), which requires producers of specific products (e.g., packaging, electronics, batteries) to take responsibility for the end-of-life management of their products. Monitoring of compliance with EPR obligations is conducted through various industry-specific schemes, often involving third-party organizations that oversee producers' adherence to recycling and disposal requirements.

Reporting and Documentation Requirements:

Waste Reporting: The KrWG mandates that businesses and waste management entities regularly report data on the types and quantities of waste generated, treated, and recycled. This data is submitted to state and federal authorities and is used to monitor compliance with recycling quotas and other requirements.

Waste Registers and Documentation: Companies involved in waste management are required to maintain detailed documentation of waste handling, treatment, and disposal processes. This documentation is subject to review by regulatory authorities and serves as a key tool for monitoring compliance.

Inspections and Audits:

Regulatory authorities at the state and local levels conduct regular inspections of waste management facilities, recycling centers, and businesses subject to the KrWG. These inspections help ensure that waste is managed in accordance with the law and that any violations are identified and addressed. Audits may also be conducted to verify that companies are fulfilling their obligations under the KrWG, particularly in relation to waste separation, recycling quotas, and hazardous waste management. Public Reporting and Transparency:

The KrWG encourages transparency in waste management practices by requiring that certain data and reports be made publicly available. This allows for public scrutiny and ensures that both citizens and stakeholders can monitor the effectiveness of waste management systems.

To sum up, the implementation and enforcement of the KrWG are supported by a robust monitoring
framework that involves multiple levels of government and regulatory authorities. Through reporting
requirements, inspections, and the involvement of local authorities, the KrWG aims to ensure that its
waste management and recycling objectives are effectively achieved.
41. Does the policy tool recommend or require periodic impact assessments?
No
o Recommended
• Required
43. Does the policy tool recommend or require periodic reviews?
∘ No
o Recommended
Required
44. Select the option that best describes the frequency of the recommended or required periodic
reviews.
<b>®</b> 0. 2 years
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
o Not specified
o Other
- Guidi

45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?

∘ No		
Yes		

46. Describe the mechanisms for enhancing regulatory coordination with subnational governments. Reference the relevant section/subsection/paragraph of the policy tool where mechanisms for coordination with subnational governments are set.

Yes, the Kreislaufwirtschaftsgesetz (KrWG) includes mechanisms for enhancing policy and regulatory coordination between the federal government and subnational governments, such as Germany's federal states (Länder) and local authorities. This vertical coordination is essential for the effective implementation of the law across different levels of government.

Key Mechanisms for Enhancing Policy or Regulatory Coordination:

# Federal-State Coordination (Bund-Länder Coordination):

Joint Working Groups: The KrWG promotes the establishment of working groups and committees that include representatives from both the federal government and the Länder. These groups collaborate on developing and harmonizing waste management policies, ensuring that federal and state regulations are aligned.

Bund/Länder Working Group on Waste (LAGA): This is a key coordinating body where representatives from the federal and state governments meet to discuss and align waste management practices. LAGA plays a critical role in ensuring that the KrWG is consistently applied across Germany and facilitates the exchange of information and best practices between different levels of government.

# **Designation of Coordinating Agencies:**

Federal Environment Agency (UBA): The UBA acts as a central coordinating body at the federal level, providing guidance and technical support to state and local authorities. It also collects and disseminates data on waste management, which helps to ensure coordinated action across different regions.

State Environmental Agencies: Each federal state has its own environmental agency responsible for implementing the KrWG within its jurisdiction. These agencies coordinate with local authorities and the UBA to ensure that state-specific regulations align with federal requirements.

#### Legal Provisions for Subnational Implementation:

Delegation of Powers: The KrWG allows for the delegation of certain regulatory powers to state governments, enabling them to adapt federal waste management policies to regional contexts. This delegation includes the authority to issue regulations, enforce compliance, and manage waste streams specific to their regions.

Municipal Responsibilities: Local governments (Kommunen) are responsible for the practical

implementation of waste management services, such as waste collection, sorting, and disposal. The KrWG provides a framework within which municipalities must operate, while allowing them some flexibility to address local needs and conditions.

Regular Consultation and Feedback Mechanisms:

Public and Stakeholder Participation: The KrWG encourages the involvement of various stakeholders, including subnational governments, in the development and revision of waste management policies. Public consultations, hearings, and feedback mechanisms are used to ensure that local and regional perspectives are considered in the decision-making process.

Monitoring and Reporting: The KrWG requires regular reporting by state and local authorities on waste management activities. This reporting system helps monitor progress, identify challenges, and coordinate efforts across different levels of government.

Financial Support and Incentives:

<u>Funding Programs: The federal government provides financial support to states and municipalities for the implementation of waste management projects that align with the objectives of the KrWG. These programs often include incentives for innovative practices in recycling, waste reduction, and resource efficiency.</u>

Shared Responsibility for Costs: The KrWG establishes a shared financial responsibility between different levels of government and private entities, ensuring that the costs of waste management are equitably distributed and that subnational governments have the resources needed to meet their obligations.

#### **Conclusion:**

The KrWG includes several mechanisms to enhance policy and regulatory coordination between the
federal government, state governments, and local authorities. These mechanisms ensure that the law
is effectively implemented across Germany, with a focus on cooperation, alignment of policies, and
the ability to adapt to regional needs while maintaining national standards.
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
∘ No
Yes

48. Describe initiatives for enhancing the capacity of targeted entities to implement or comply with the policy tool. Reference the relevant section/subsection/paragraph of the policy tool where capacity-building initiatives are established. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Yes, there are several government initiatives in Germany designed to enhance the capacity of targeted entities to implement and comply with the Kreislaufwirtschaftsgesetz (KrWG). These

<u>initiatives aim to support businesses, municipalities, and other stakeholders in understanding and fulfilling their obligations under the law. Here are some of the key initiatives:</u>

# 1. Industry Working Groups and Stakeholder Engagement:

- Sector-Specific Working Groups: The German government, in collaboration with industry associations and stakeholders, has established working groups focused on specific sectors affected by the KrWG, such as packaging, electronics, and construction. These groups facilitate dialogue between the government and industry, allowing for the exchange of best practices and the development of industry-specific guidelines.
- Public-Private Partnerships (PPPs): The government supports partnerships between public authorities and private companies to develop innovative waste management solutions and to pilot new approaches that align with the goals of the KrWG.

# 2. Outreach Campaigns and Public Awareness:

- Public Information Campaigns: The German government conducts outreach campaigns to raise awareness among citizens and businesses about their responsibilities under the KrWG. These campaigns often focus on waste separation, recycling practices, and the benefits of reducing waste.
- \*\*Information Portals:\*\* The Federal Environment Agency (UBA) and other government bodies maintain online portals that provide comprehensive information on waste management regulations, compliance requirements, and best practices. These resources are designed to be accessible to a wide range of stakeholders, including businesses, municipalities, and the general public.

  3. Education and Training Programs:
- Training for Municipalities and Local Authorities: The government provides training programs for municipal officials and local waste management authorities to enhance their understanding of the KrWG and improve their ability to implement and enforce the law at the local level. These programs cover topics such as waste collection, recycling techniques, and regulatory compliance.
- Workshops and Seminars for Businesses: Businesses, particularly those in sectors heavily regulated by the KrWG, can participate in workshops and seminars organized by the government and industry associations. These events provide practical guidance on meeting regulatory requirements, such as recycling quotas and waste reporting, and offer insights into efficient waste management practices.

#### 4. Financial Support and Incentives:

- Subsidies and Grants: The German government offers financial support to help businesses and municipalities invest in technologies and infrastructure that align with the objectives of the KrWG.

  This includes subsidies for recycling facilities, waste treatment plants, and the development of circular economy initiatives.
- Innovation Funding: There are specific funding programs aimed at encouraging innovation in waste management and resource efficiency. Companies and research institutions can apply for grants to develop new technologies or processes that contribute to the goals of the KrWG.

#### 5. Guidelines and Best Practices:

- Guidance Documents: The Federal Environment Agency (UBA) and state environmental agencies publish detailed guidance documents and best practice manuals to help businesses and local

<u>authorities comply with the KrWG. These documents provide step-by-step instructions on meeting legal requirements and optimizing waste management processes.</u>

- Case Studies and Success Stories: The government shares case studies and examples of successful waste management practices from across the country. These case studies serve as a resource for municipalities and businesses looking to improve their own waste management strategies.

# 6. Consultation Services:

- Advisory Services: The government, often through agencies like the UBA, offers advisory services to businesses and municipalities. These services include technical assistance, help with interpreting regulations, and support in developing waste management plans that comply with the KrWG.
- Extended Producer Responsibility (EPR) Programs: Specific advisory and support services are provided for industries under EPR obligations, such as those handling packaging waste or electronic waste. These services help companies navigate the complex requirements of EPR schemes and ensure compliance.

# Conclusion:

These initiatives demonstrate the German government's commitment to ensuring that all
stakeholders have the necessary knowledge, resources, and support to comply with the KrWG. By
providing education, training, financial incentives, and ongoing support, the government helps to
enhance the capacity of targeted entities, fostering a more effective and widespread implementation
of the circular economy principles enshrined in the KrWG.

omain-Specific Questions: Disclosure Questions	
Vhat is being disclosed?	

52. Are targeted entities recommended or required to disclose any of the following climate-related information? Select all that apply.

	Recommended	Required	Neither recommended nor required
1 Croophouse age			rioi required
1. Greenhouse gas (GHG) emissions			
2. GHG emissions			
offsets or removals			
3. GHG emissions			<b>S</b>
reduction targets			
4. Other climate-		<b>(</b>	
related targets			
5. Physical climate risk			
6. Transition risk			
7. Transition plan			
7. Transition plan		Ш	
Disclosure of other climo	ite-related targets		
84. Which of the followin entities disclose? Select of	•	d targets does the pol	licy tool recommend or require
☐ Targets for renewable the policy tool relevant to	=		section/subsection/paragraph of
☐ Targets for fossil fuel p	•		e section/subsection/paragraph of
☐ Targets or goals relate of the policy tool relevant	· · · · · · · · · · · · · · · · · · ·		ne section/subsection/paragraph
☐ Targets or goals relate section/subsection/parag		• •	
☐ Targets or goals relate policy tool relevant to just	•	ease reference the sec	ction/subsection/paragraph of the
Other targets (Please	reference the section/s	subsection/paragraph	of the policy tool relevant to
other targets) KrWG's Ra	ole: The KrWG requires	s compliance with spe	<u>cific environmental standards</u>
related to waste manage	ment, including recycl	ling quotas and prope	r disposal methods. Reporting on
compliance with these st	= :	= :	
inspections.			
Disclosure Requirements	: Entitios must doman	ctrata compliance with	a tha KrMG's wasta
•		•	
<u>management standards,</u>	<u>wnich can indirectly re</u>	<u>eiate to broader envir</u>	onmental and climate goals.

O	th	er	di	sc	lo	su	re	S																				

105. Are targeted entities recommended or required to disclose any other climate-related information? Select all that apply.

	Required	Recommended	Neither recommended nor required
1. Climate-related opportunities			<b>Ø</b>
2. Remuneration based on achieving climate-related goals			
3. Taxonomies			
4. Capital allocation and/or expenditure plans (in the context of climate change)			
5. Due diligence			<b>⊘</b>
6. Assumptions and Dependencies			<b>V</b>
7. Data limitations of scenario analyses			
8. Financial implications of climate-related matters (e.g., integration of climate-related disclosures into financial accounting standards)			
9. Stewardship (e.g., whether stewardship codes are in place, how entities vote in shareholder meetings, etc.)			
10. ESG methodologies and criteria (in the case of service providers)			
11. Asset planning or ownership in the context of climate change			
12. Sectoral investment policies			<b>У</b>
13. Climate-related lobbying and/or policy engagement			
14. Locked-in emissions or information on			

emissive assets with		
long lifespans		
15. Dirty asset		
divestiture		
16. Nature-related		
impacts		
17. Just transition		
indicators		
Standards, Frameworks	. and Guidelines	
,	,	

125. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. IFRS S1			<b>✓</b>
2. IFRS S2			✓
3. Task Force on Climate-related Financial Disclosures (TCFD)			
4. GHG Protocol Corporate Accounting and Reporting Standard			
5. GHG Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard			
6. CDP (formerly known as Climate Disclosure Project) reporting framework			
7. International Integrated Reporting Framework			
8. Global Reporting Initiative (GRI)			
9. Sustainability Accounting Standards Board (SASB)			
10. European Sustainability Reporting Standards (ESRS)			
11. Taskforce on Nature-related Financial Disclosures (TNFD)			
12. Partnership for Carbon Accounting Financials (PCAF)			
13. Glasgow Financial Alliance for Net Zero (GFANZ)			
14. Other			✓

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Additional Important Information
128. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
The further development of the inspection obligation into an obligation to give preference, Section 45 KrWG, means that public procurement authorities have no discretion when it comes to taking environmental concerns into account when determining needs and performance. Public contracting authorities are no longer free to decide for or against an environmentally friendly product or service that covers the procurement needs, but rather "the obligated parties must give preference to products" that meet the requirements of Section 45 II S. 1 No. 1 to 4 KrWG correspond.
Additional Important Information
197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.  None

202. Does the policy tool set targets in relation to climate-aligned procurement? Select all that apply.

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			✓
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			$\checkmark$
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			<b>✓</b>
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			$\checkmark$
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			<b>✓</b>
include emissions from			
procurement in their			
carbon budget			
Procuring entities			<b>✓</b>
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			<b>✓</b>
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

215. Describe and reference the section/subsection/paragraph of the policy tool relevant to other recommendations related to climate change mitigation or GHG emissions at the procurement planning stage.
Such recommendations do not arise from the KrWG directly, but from the respective procurement regulations themselves (VgV, GWB, UVgO)which are referenced and applicable to procurement procedures in the waste management sector.
Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
○ No
Allow and/or recommend
o Require
218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.
One criterion is the longevity of the goods, § 45 II Nr. 3 KrWG.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
No
Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool)

tool.
No     No
o Allow/recommend
o Require
Tendering or Solicitation Stage

220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			
Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of life- cycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			
Other Allowances, Recor	nmendations, or Require	ments	

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			<b>✓</b>
2. The jurisdiction's			<b>✓</b>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			$\checkmark$
4. IFRS S2			$\checkmark$
5. Task Force on Climate-			$\checkmark$
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting Standard			
8. CDP (formerly known as			<b>✓</b>
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			<b>✓</b>
initiative (SBTi)			
10. Science Based Targets			<b>✓</b>
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance 14. UNEP Sustainable Public			<b>V</b>
Procurement			
Implementation Guidelines			
15. OECD MAPS -			
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			
Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American		<b>~</b>
Development Bank Green		
Procurement Guidelines		
19. EDBR Project		<b>✓</b>
Requirements/Environmental		
and Social Action Plan		
20. World Bank		$\checkmark$
Environmental and Social		
Framework		
21. Other		
Additional Important Informat	ion	

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

The obligation of Section 45 II 1 KrWG applies as long as the products are suitable for the intended purpose, their procurement or use does not result in unreasonable additional costs, sufficient competition is guaranteed and no other legal provisions conflict with this. If procurement regulations apply, these must be observed. Section 7 of the Federal Budget Code remains unaffected. Deviations from the obligation in sentence 1 apply to the procurement or use of materials and consumer goods and to construction projects and other orders that are defense or security-specific orders or that include defense and security aspects as well as other orders insofar as these are necessary for the operational capability of the Bundeswehr it is necessary to check whether and to what extent the products mentioned in sentence 1 can be used.

# Policy Tool Name: Clean Vehicles Procurement Act Saubere-Fahrzeuge-Beschaffungs-Gesetz (SaubFahrzeugBeschG)

3. Source material link(s): https://web.archive.org/web/2024080613493//https://www.gesetze-im- internet.de/saubfahrzeugbeschg/SaubFahrzeugBeschG.pdf
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
Climate-related disclosure
□ Transition planning
Public procurement
5. If relevant, briefly explain how the policy tool applies or is linked to multiple domains.
This law regulates minimum objectives and how they are to be ensured in the procurement of certain road vehicles and services for which these road vehicles are used by contracting authorities and sector contracting entities. The SaubFahrzeugBeschG (Saubere-Fahrzeuge-Beschaffungs-Gesetz), or Clean Vehicles Procurement Act, is German legislation that implements the EU Clean Vehicles Directive (Directive 2009/33/EC as amended by Directive (EU) 2019/1161). It mandates that public procurement processes for vehicles, including public transport, meet certain environmental standards particularly regarding emissions.
6. Select the category which best describes the author/issuer of the policy tool.
□ Head of state and/or government
□ Independent regulatory or supervisory body
✓ Legislature
□ Judiciary
□ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool
Approved, in force

Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2021</u>
10. Does the policy tool have an end date?
No     No
o Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publish, listed companies to comply with the
For example: The policy tool requires publicly listed companies to comply with the recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
This Act implements Directive (EU) 2019/1161 of the European Parliament and of the Council of June
20, 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles road vehicles.
ansport vernices road vernices.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not applicable, leave blank.
● 1. <u>Federal states</u>
○ 2.
o 3.
o <b>4</b> .
o 5.

15. To provide contextual information, rate the capacity of Federal states to undertake the policy tool's implementation and/or enforcement.
o O- No Capacity (Please explain)
o 1- Low Capacity (Please explain)
o 2- Medium Capacity (Please explain)
o 3- High Capacity (Please explain)
Prefer not to answer
o Not Applicable

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

1. Publicly-traded entities 2. Private companies 3. Financial institutions 4. Small and medium-sized enterprises 5. State-owned companies 6. Not-for-profit graphical		Mandatory	Voluntary	Not targeted
2. Private companies	1. Publicly-traded			
3. Financial institutions	entities			
4. Small and medium-sized enterprises  5. State-owned companies  6. Not-for-profit organizations  7. Government agencies and/or departments (national)  8. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)	2. Private companies			
sized enterprises  5. State-owned	3. Financial institutions			
5. State-owned companies  6. Not-for-profit corganizations  7. Government agencies and/or departments (supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local e.g., county, district, municipality, city)	4. Small and medium-			
companies  6. Not-for-profit	sized enterprises			
6. Not-for-profit organizations  7. Government agencies and/or departments (supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)	5. State-owned			
organizations 7. Government agencies and/or departments (supranational) 8. Government agencies and/or departments (national) 9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)	companies			
7. Government agencies and/or departments (supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)	6. Not-for-profit			
agencies and/or departments (supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
departments (supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
(supranational)  8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
8. Government agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)	1 · · · · · · · · · · · · · · · · · · ·			
agencies and/or departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
departments (national)  9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
9. Government agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
agencies and/or departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
departments (regional - e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
- e.g., state, province, region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
region, metropolitan region)  10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
region)  10. Government				
10. Government agencies and/or departments (local - e.g., county, district, municipality, city)				
agencies and/or departments (local - e.g., county, district, municipality, city)	<u> </u>		_	_
departments (local - e.g., county, district, municipality, city)				Ш
e.g., county, district, municipality, city)	_			
municipality, city)				
agencies and/or				
departments				
(unspecified)	· ·			
				П
12. Sectoral actors				
defense, utilities,				
education)				
13. Other		П	П	П

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27. Describe the threshold criteria to identify entities for whom or instances in which compliance is mandatory.

	Government agencies and/or departments (supranational )	Government agencies and/or departments (national)	Government agencies and/or departments (regional - e.g. state, province, region, metropolitan region)	Government agencies and/or departments (local - e.g. county, district, municipality, city)	Government agencies and/or departments (unspecified)
Minimum number of employees (Enter min number of full-time employees - FTEs)					
Minimum revenue (Enter minimum revenue)					
Minimum assets (Enter minimum assets)					
Minimum contract value (Enter minimum contract value)	EU Schwellenwert	EU Schwellenwer t	EU Schwellenwer t	EU Schwellenwer t	EU Schwellenwer t
Entity is headquartere d in the jurisdiction					
Entities are subjected to disclosure or reporting requirements	Minimum quotas are based on emission limits	Minimum quotas are based on emission limits	Minimum quotas are based on emission limits	Minimum quotas are based on emission limits	

No

<sup>28.</sup> Can entities for whom compliance with the policy tool is mandatory opt out of the obligation (e.g. comply or explain)?

∘ Yes
30. Does the policy tool exclusively apply to entities' domestic operations, or does it also apply to entities' operations beyond the jurisdiction?
Operations within jurisdiction only
o Operations beyond the jurisdiction
o Not applicable
22. What we the constitute for a constitute of Colored will the strongly and decouble in the total Color
32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.
□ Monetary fine
□ Restriction on business activities
✓ Voiding or setting aside of contract
☐ Exclusion from government contracts
☐ Award of damages or compensation
☐ Penalty for senior managers
☐ Criminal penalties
□ Not specified
□ Not applicable (e.g. in cases of voluntary tools)
Other <u>Audits</u> . Challenges from competitors
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
o Below average
o Average
o Above average
o Not applicable

<ul><li>Unknown or prefer not to answer</li></ul>
35. To provide contextual information, give a general assessment of the extent to which regulated entities have made compliance a priority.
o Below average
o Average
o Above average
o Not applicable
● Unknown or prefer not to answer
37. Have the climate-specific provisions in this instrument ever been enforced?
• No (If relevant, explain) <u>Currently the implementation process and period are still ongoing. The first implementation phase ends in 2025 and the second in 2030. When procuring vehicles and services, contracting authorities and sector contracting entities must comply with the overall minimum targets</u>
set for the respective reference period in accordance with § 6.
∘ Yes
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
∘ No
Yes
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
The federal states must monitor compliance with the minimum targets by the contracting authorities
and sector contracting entities, § 5 II 1 SaubFahrzeugBeschG.

41. Does the policy tool recommend or require periodic impact assessments?
No     No
o Recommended
o Required
43. Does the policy tool recommend or require periodic reviews?
∘ No
∘ Recommended
Required
44. Select the option that best describes the frequency of the recommended or required periodic reviews.
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
<ul> <li>Not specified</li> </ul>
o Other
45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No
o Yes

comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No     No
∘ Yes

47. Are there any government initiatives to enhance the capacity of targeted entities to implement or

omain-Specific Questions: Disclosure Questions	
Vhat is being disclosed?	

52. Are targeted entities recommended or required to disclose any of the	following climate-related
information? Select all that apply.	

	Recommended	Required	Neither recommended nor required			
1. Greenhouse gas (GHG) emissions		<b>✓</b>				
2. GHG emissions offsets or removals						
3. GHG emissions reduction targets						
4. Other climate- related targets						
5. Physical climate risk						
6. Transition risk						
7. Transition plan						
54. Which GHG emission:	s must be disclosed? S	Select all that apply.				
□ Methane (CH4)						
□ Nitrous oxide (N2O)						
□ Hydrofluorocarbons (HFCs)						
□ Perfluorocarbons (PFCs)						
□ Sulphur hexafluoride (S	SF6)					
□ Nitrogen trifluoride (NF	3)					
□ Carbon dioxide equival	ent (CO2e)					
			.2			
55. Are entities recomme	nueu or required to dis	sciose gross emissions	: -			
● No						
<ul> <li>Recommended</li> </ul>						
<ul> <li>Required</li> </ul>						

56. Are entities recommended or required to disclose net emissions?
No     No
○ Recommended
o Required
57. What Scope of emissions must be disclosed? Select all that apply.
☐ Scope 1 emissions
☐ Scope 2 emissions
□ Scope 3 emissions, relevant or material
□ Scope 3 emissions, a specified proportion of coverage (Please describe)
□ Scope 3 emissions, all
✓ Not specified
58. Are entities recommended or required to discloseGHG emissionsaccounting methodologies or standards?
GHG emissions
59. Does the policy tool recommend or require the GHG inventory be third-party verified?
No
○ Recommended
○ Required
60. If necessary, provide additional clarification to the above responses aboutgreenhouse gas (GHG)

emissions disclosure.

<u>The Saubranizeughescha does not explicitly recommend of require that greenhouse gas (GHG)</u>
inventories be third-party verified. The Act primarily focuses on setting minimum procurement targets
for clean and energy-efficient vehicles within public procurement processes. It outlines specific criteria
and standards that these vehicles must meet but does not delve into broader GHG inventory
reporting or verification requirements for the procuring entities.
Other disclosures
other disclosures

105. Are targeted entities recommended or required to disclose any other climate-related information? Select all that apply.

	Required	Recommended	Neither recommended nor required
1. Climate-related opportunities			₩ .
2. Remuneration based on achieving climate-related goals			<b>⊘</b>
3. Taxonomies			
4. Capital allocation and/or expenditure plans (in the context of climate change)			
5. Due diligence			lacksquare
6. Assumptions and Dependencies			<b>\</b>
7. Data limitations of scenario analyses			
8. Financial implications of climate-related matters (e.g., integration of climate-related disclosures into financial accounting standards)			
9. Stewardship (e.g., whether stewardship codes are in place, how entities vote in shareholder meetings, etc.)			
10. ESG methodologies and criteria (in the case of service providers)			<b>&gt;</b>
11. Asset planning or ownership in the context of climate change			
12. Sectoral investment policies			<b>&gt;</b>
13. Climate-related lobbying and/or policy engagement			♥
14. Locked-in emissions or information on			

emissive assets with			
long lifespans			
15. Dirty asset			$\checkmark$
divestiture			
16. Nature-related			
impacts			
17. Just transition			
indicators			
		<u></u>	
Standards, Frameworks	, and Guidelines		

125. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. IFRS S1			✓
2. IFRS S2			<b>✓</b>
3. Task Force on Climate-related Financial Disclosures (TCFD)			
4. GHG Protocol Corporate Accounting and Reporting Standard			
5. GHG Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard			
6. CDP (formerly known as Climate Disclosure Project) reporting framework			
7. International Integrated Reporting Framework			
8. Global Reporting Initiative (GRI)			<b>V</b>
9. Sustainability Accounting Standards Board (SASB)			
10. European Sustainability Reporting Standards (ESRS)			
11. Taskforce on Nature-related Financial Disclosures (TNFD)			
12. Partnership for Carbon Accounting Financials (PCAF)			
13. Glasgow Financial Alliance for Net Zero (GFANZ)			
14. Other	✓		

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126. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.

The SaubFahrzeugBeschG does reference and align with certain international and European standards, frameworks, and guidelines, though it does so primarily through its implementation of EU legislation rather than direct references to global standards.

#### 1. European Union Clean Vehicles Directive

Primary Framework: The SaubFahrzeugBeschG is Germany's national implementation of the EU Clean Vehicles Directive. The Directive sets out the requirements for public procurement of vehicles in EU member states, mandating that a certain percentage of vehicles procured meet specific environmental standards.

Emission Standards: The Directive refers to various EU emissions standards (e.g., Euro 6 for light-duty vehicles, Euro VI for heavy-duty vehicles) which define the maximum allowable emissions for different types of vehicles.

## 2. European Emissions Standards

Euro Standards: The Act indirectly refers to the Euro emissions standards, which are a set of European Union regulations that define the acceptable limits for exhaust emissions of new vehicles sold in EU and EEA member states. These standards include limits on emissions of nitrogen oxides (NOx), hydrocarbons (HC), carbon monoxide (CO), and particulate matter (PM).

Euro 6 (for cars and light commercial vehicles)

Euro VI (for heavy-duty vehicles)

#### 3. CO2 Emission Performance Standards

CO2 Standards for Cars and Vans: The Act also implicitly supports the EU's CO2 emission performance standards for new passenger cars and light commercial vehicles. These standards set CO2 emission targets that vehicle manufacturers must achieve for their fleet, and indirectly influence the types of vehicles that public authorities can procure under the SaubFahrzeugBeschG.

### 4. Reference to Life-Cycle Costs (LCC) Analysis

Life-Cycle Costing (LCC): While not a direct international standard, the SaubFahrzeugBeschG encourages the consideration of life-cycle costs in vehicle procurement. This approach is aligned with broader EU guidance on sustainable procurement, which often references the importance of considering the total cost of ownership, including energy consumption and environmental impact over the vehicle's life cycle.

### 5. Alignment with Other EU Environmental Goals

<u>Circular Economy and Green Deal: The Act supports broader EU environmental initiatives, such as the European Green Deal and the transition to a circular economy, although it does not directly cite these as mandatory frameworks within the Act itself.</u>

#### Summary

The SaubFahrzeugBeschG primarily references and aligns with European Union standards, particularly the EU Clean Vehicles Directive and Euro emissions standards. These are the main international frameworks guiding the environmental requirements for vehicle procurement.

The Act does not directly reference broader international standards like those from the ISO or UN, but

<u>it does align with EU regulations that are themselves based on internationally recognized principles of environmental protection and sustainability.</u>

The consideration of Life-Cycle Costs (LCC) in procurement decisions, while not a mandatory standard, is encouraged and aligns with EU sustainable procurement practices.

In conclusion, while the SaubFahrzeugBeschG does not directly cite international standards, it is heavily influenced by and aligned with European standards that reflect broader international environmental objectives							
Additional Important Information							
128. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.							
The Clean Vehicles Procurement Act sets binding minimum quotas for the implementation of the requirements. For passenger cars and light commercial vehicles, this is measured by emission limits. Vehicles that comply with the limit of 50 grams of CO2 per kilometer are considered clean here, and zero grams of emissions will be prescribed from 2026. The quota of heavy commercial vehicles is measured on the basis of alternative drives and fuels. Vehicles that run on biofuel, hydrogen, natural gas or electricity, for example, are considered clean here. Plug-in and hybrid drives are also considered clean.							
First reference period (August 2021 to the end of 2025)  Procurement rate for passenger cars/light vehicles: 38.5 percent  Procurement rate for trucks: 10 percent  Procurement rate for buses in public transport: 45 percent							
Second reference period (2026 to the end of 2030)  Procurement rate for passenger cars/light vehicles: remains at 38.5 percent  Procurement quota for trucks: increased to 15 percent  Procurement rate for buses in public transport: increased to 65 percent							
Additional Important Information							

197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
<u>None</u>

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
o No
o Allowed and/or recommended
Required
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.
The Clean Vehicles Procurement Act (SaubFahrzeugBeschG) is a German law implementing Directive (EU) 2019/1161 on the promotion of clean and energy-efficient road vehicles (Clean Vehicles Directive CVD). It regulates minimum targets and their safeguarding in the procurement of certain road vehicles and services for which these road vehicles are used by contracting authorities and sector contracting entities.

202.	Does the	policy	tool set	taraets in	relation t	to climate-c	alianed	procurement?	Select all	that	/lagp	/

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			$\checkmark$
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			✓
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			<b>✓</b>
include emissions from			
procurement in their			
carbon budget			
Procuring entities		<b>✓</b>	
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

205. To which of the following do climate change mitigation and/or GHG emission reduction goals apply with regard to the definition of procurement needs? Select all that apply.
<b>✓</b> Goods
✓ Services
□ Works
206. Describe the obligation for procuring entities to consider climate change mitigation and/or GHG
emissions reductions goals when defining their procurement needs, referencing the relevant section/subsection/paragraph of the policy tool.
§ 6 SaubFahrzeugBeschG
The Clean Vehicles Procurement Act sets binding minimum quotas for the implementation of the
<u>requirements</u> . For passenger cars and light commercial vehicles, this is measured by emission limits.
<u>Vehicles that comply with the limit of 50 grams of CO2 per kilometer are considered clean here, and</u>
zero grams of emissions will be prescribed from 2026. The quota of heavy commercial vehicles is
measured on the basis of alternative drives and fuels. Vehicles that run on biofuel, hydrogen, natural
gas or electricity, for example, are considered clean here. Plug-in and hybrid drives are also
considered clean. The Clean Vehicle Directive defines the following minimum quotas for the
procurement of vehicles in the context of public procurement in Germany:
First reference period (August 2021 to the end of 2025)
<u>Procurement rate for passenger cars/light vehicles: 38.5 percent</u>
Procurement rate for trucks: 10 percent
Procurement rate for buses in public transport: 45 percent
Second reference period (2026 to the end of 2030)
Procurement rate for passenger cars/light vehicles: remains at 38.5 percent
<u>Procurement quota for trucks: increased to 15 percent</u>
<u>Procurement rate for buses in public transport: increased to 65 percent</u>

213. In the case of procuring agencies that follow guidance on calculating procurement-related emissions, does the policy tool identify an agency or organisation which advises upon calculation of emissions from procurement, and/or audits these calculations?

No

<ul> <li>Yes (Describe the identified agency and/or organisation, referencing the relevant section/subsection/paragraph of the policy tool)</li> </ul>
214. Describe the obligation for procuring entities to inform and/or consult with market actors in advance of publishing the formal call for tenders, in relation to climate considerations (i.e. preprocurement consultation, engagement, or dialogue), referencing the relevant
section/subsection/paragraph of the policy tool.
Appendix 1 provides the contracting authorities with a model form for the data retrieval of the information in accordance with § 8 SaubFahrzeugBeschG, which is used to obtain information in the event of can be used by the relevant bodies or companies. In the EU standard forms (TED), the data
should be entered in coded form as far as possible. There
this is not provided for in the current EU standard forms, the website of the BMDV, https://www.bmvi.de/SharedDocs/DE/Artikel/G/clean-vehicles-directive.html, eProcurement service providers or specialist process manufacturers that offer the possibility of a
software product solution to collect the data in a structured manner in accordance with the requirements of the CVD and
code in the TED forms. The recording of the known with the help of a software solution that meets the requirements of the CVD Guide to eProcurement service providers or specialist process manufacturers, it is not only the cordata collection, but also makes it easier for contracting authorities
and sec contracting authorities for the delivery of CVD-relevant data. Appendix 2 contains text
modules for encoding CVD relevant information in the current Announcements provided. The
information with appropriate coding can be easily added from Appendix 2 by copying and pasting.  Only the number of vehicles has yet to be entered.
Life-cycle or Whole-life Costing
217 December and insulated recommendation to the continue to the continue of the continue of the continue to
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
∘ No
Allow and/or recommend
∘ Require

218. Describe the obligation to use life-cycle costing or whole-life costing to capture climate-related impacts, referencing the relevant section/subsection/paragraph of the policy tool.

**Encouragement of Life-Cycle Costing (LCC):** 

LCC Consideration: The SaubFahrzeugBeschG encourages public authorities to consider life-cycle costs when making procurement decisions. This approach goes beyond simply looking at the purchase price and includes evaluating the total cost of ownership over the vehicle's lifetime. This includes:

<u>Energy or Fuel Consumption: Assessing the costs related to the energy or fuel required to operate the vehicle.</u>

Monetized Emissions: Considering the financial impact of greenhouse gas (GHG) emissions, potentially using carbon pricing or other monetization strategies.

Maintenance and Operation Costs: Evaluating ongoing operational expenses, including repairs and maintenance.

<u>End-of-Life Costs: Factoring in the disposal or recycling costs at the end of the vehicle's useful life.</u>
<u>Reference to EU Directive:</u>

EU Clean Vehicles Directive: The SaubFahrzeugBeschG implements the EU Clean Vehicles Directive, which explicitly mentions the importance of life-cycle costing. The Directive supports the use of LCC as a method to achieve more sustainable and economically efficient procurement outcomes, aligning procurement practices with broader environmental goals.

<u>Application in Public Procurement:</u>

Public Procurement Guidance: While LCC is encouraged, the specific application of this method in public procurement is often left to the discretion of the contracting authorities. This means that while public authorities are advised to consider LCC, it is not a strict requirement under the SaubFahrzeugBeschG.

Environmental and Economic Efficiency:

Alignment with Environmental Goals: By encouraging LCC, the SaubFahrzeugBeschG aligns procurement decisions with environmental sustainability goals. This method helps public authorities account for the environmental impact of their procurement choices, such as the reduction of GHG emissions over the vehicle's life cycle.

Summary

The SaubFahrzeugBeschG encourages the use of life-cycle costing (LCC) but does not make it a strict requirement. This method is recommended to help capture climate-related impacts such as energy consumption, emissions, and end-of-life costs, thereby promoting more sustainable procurement practices.

The Act is aligned with the EU Clean Vehicles Directive, which promotes LCC as a way to achieve environmentally and economically efficient procurement outcomes.

In summary, while not mandatory, the use of LCC in procurement decisions is strongly encouraged

under the SaubFahrzeugBeschG to align vehicle procurement with broader climate and sustainability
goals.
219. Does the allowance, recommendation, and/or requirement to apply life-cycle costing or whole-life costing only apply to certain types of contract/tender?
∘ No
• Yes (Describe and reference the relevant section/subsection/paragraph of the policy tool) <u>Contracts</u> regarding the procurement of vehicles
220. Does the policy tool allow, recommend, or require a methodology or tool for calculating life-cycle/whole-life costs? If so, describe and reference the relevant section/subsection/paragraph of the policy tool.
No     No
○ Allow/recommend
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or debarment grounds based on compliance with climate obligations			
Qualification or selection criteria related to climate change			
Including climate or environmental considerations when calculating value for money, including through the use of lifecycle or whole-life costing			
Technical specifications (e.g. setting minimum levels of energy efficiency or maximum product carbon emissions)			
Contract award criteria or value for money evaluation frameworks (e.g. minimum scores/performance levels under climate- related criteria, preferences for climate or sustainable products)			
Other procurement stage allowances, recommendations or requirements			
Technical specifications			

243. To which of the following do the technical specifications relate? Select all that apply.
☐ Energy efficiency
Product carbon emissions
Carbon disclosure or reporting requirements
An absolute or intensity-based emissions cap
Percentage of energy from renewable sources
☐ Percentage of recycled materials (e.g. paper, concrete)
☐ Use of low or zero-carbon energy/fuel technology (e.g. electric vehicles, heat pumps, solar panels)
□ Production methods (e.g. organic food or textiles, cold-mix asphalt, deforestation-free products)
□ End-of-life requirements (e.g. reuse, recycling, anaerobic digestion)
□ Availability of life-cycle assessment (LCA) data
☐ Third-party certification/ecolabels
□ Supply chain considerations
□ Other (Please describe)
Contract Performance
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be
included to monitor and report on emissions or other metrics)?
No     No
o Allowed and/or recommended
o Required
Monitoring and Reporting

report upon climate-aligned procurement?
No     No
o Allowed and/or recommended
∘ Required
Standards, Frameworks, and Guidelines

252. Does the policy tool include allowances, recommendations or requirements to monitor and/or

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			<b>✓</b>
2. The jurisdiction's			<b>✓</b>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			
4. IFRS S2			<b>✓</b>
5. Task Force on Climate-			<b>✓</b>
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting Standard			
8. CDP (formerly known as			<b>✓</b>
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			<b>✓</b>
initiative (SBTi)			
10. Science Based Targets			✓
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			
Procurement		_	_
13. EU Green Public	$\checkmark$		
Procurement criteria and			
guidance 14. UNEP Sustainable Public			<b>✓</b>
Procurement			
Implementation Guidelines			
15. OECD MAPS -			<b>✓</b>
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			<b>V</b>
Bank Guidelines for			
Sustainable Procurement			
17. African Development			
Bank Sustainable Public			
Procurement Guidance Note			

		$\checkmark$		
		$\checkmark$		
Additional Important Information				
·				

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

## Policy Tool Name: Procurement Decree for Wood Products -Beschaffungserlass für Holzprodukte

3. Source material link(s): https://web.archive.org/web/20240806135631/https://www.verwaltungsvorschriften-iminternet.de/bsvwvbund_06102017_534625050005.htm
4. Which of the following governance domains does this policy tool relate to? Select all that apply.
Climate-related disclosure
☐ Transition planning
✓ Public procurement
5. If relevant, briefly explain how the policy tool applies or is linked to multiple domains.
The purpose of this guide is to supplement the current procurement decree for wood products by providing public authorities issuing invitations to tender with instructions and interpretation aids that explain the various options for verifying the sustainability of wood products, as required by the procurement decree, and thus ensure a common understanding of these procedures. The guide is primarily intended to help explain the various procedures and basic requirements for so-called individual verification as an alternative procedure to chain of custody certification. At the same time, this will provide bidding companies with clarity about the procedures used by the procurement authorities.
6. Select the category which best describes the author/issuer of the policy tool.
☐ Head of state and/or government
☐ Independent regulatory or supervisory body
✓ Legislature
☐ Ministry/Department/Agency
□ Other (Please describe)
7. Status of the policy tool

Approved, in force
o Approved, not yet in force
o Other (Please describe)
9. Year of (planned) entry into force or year of publication
<u>2010</u>
10. Does the policy tool have an end date?
No     No
∘ Yes
12. Briefly describe the policy tool's goal and/or purpose:
For example: The policy tool requires publicly listed companies to comply with the
recommendations of the Task Force for Climate Related Financial Disclosure or to explain the absence of such disclosures.
The aim of the Federal Government is to promote wood products from sustainable and legal forest
management worldwide by means of the 2010 Procurement Decree for Wood Products and to
ensure the use of such wood products in public procurement.
13. Name the authority(ies) responsible for overseeing implementation and/or enforcement. If not
applicable, leave blank.
o 1.
o 2.
o 3.
o <b>4.</b>
o 5.

\_\_\_\_\_

25. Which entities are targeted through this policy tool? Select all that apply.

Note: With regard to sectoral actors, in cases where mandatory and voluntary obligations are mixed (e.g., mandatory for one sector, voluntary for another), select "mandatory" as there will be further opportunity to clarify.

	Mandatory	Voluntary	Not targeted
1. Publicly-traded			
entities			
2. Private companies			
3. Financial institutions			
4. Small and medium-		<b>✓</b>	
sized enterprises			
5. State-owned		<b>✓</b>	
companies			
6. Not-for-profit			
organizations			
7. Government			$\checkmark$
agencies and/or			
departments			
(supranational)			
8. Government	$\checkmark$		
agencies and/or			
departments (national)			
9. Government			$\checkmark$
agencies and/or			
departments (regional			
- e.g., state, province,			
region, metropolitan			
region)			
10. Government			
agencies and/or			
departments (local -			
e.g., county, district,			
municipality, city)			
11. Government			$\checkmark$
agencies and/or			
departments			
(unspecified)			
12. Sectoral actors			$\checkmark$
(e.g., healthcare,			
defense, utilities,			
education)			
13. Other			

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27.	Describe the t	hreshold	criteria to	identify	entities fo	or whom o	or instances	in which	complian	ce is
mai	ndatory.									

	Government agencies and/or departments (national)
Minimum number of employees (Enter min number of full-time employees - FTEs)	
Minimum revenue (Enter minimum revenue)	
Minimum assets (Enter minimum assets)	
Minimum contract value (Enter minimum contract value)	2,000 €
Entity is headquartered in the jurisdiction	Yes
Entities are subjected to disclosure or reporting requirements	Wood product sourcing

William Tevende (Enter millimani Tevende)	
Minimum assets (Enter minimum assets)	
Minimum contract value (Enter minimum	2,000 €
contract value)	
Entity is headquartered in the jurisdiction	Yes
Entities are subjected to disclosure or reporting	Wood product sourcing
requirements	
28. Can entities for whom compliance with the pol comply or explain)?	licy tool is mandatory opt out of the obligation (e.g.
No	
∘ Yes	
30. Does the policy tool exclusively apply to entitie entities' operations beyond the jurisdiction?  Operations within jurisdiction only  Operations beyond the jurisdiction  Not applicable	s' domestic operations, or does it also apply to
31. What are the specific obligations and condition Please reference the relevant section/subsection/p Regardless of which government client requires which demand proof of sustainability from potential can of course also be located outside of Germany.	oaragraph of the policy tool.  Tood products that exceed the €2,000 limit, they all wood product sellers. The wood manufacturer

32. What are the sanctions for non-compliance? Select all that apply and describe in the text field.

<ul><li>Below average</li><li>Average</li></ul>
↑ RAIOW AVARAGA
33. Relative to other compliance activities required of entities in this jurisdiction, is the cost of compliance:
Other Request to fulfill the contract; The company doesn't get paid
□ Not applicable (e.g. in cases of voluntary tools)
□ Not specified
□ Criminal penalties
□ Penalty for senior managers
□ Award of damages or compensation
Exclusion from government contracts due to poor reliability
✓ Voiding or setting aside of contract
□ Restriction on business activities

37. Have the climate-specific provisions in this instrument ever been enforced?
o No (If relevant, explain)
Yes
38. Briefly note one to two exemplary cases of enforcement. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.
Tender applicants are always required to provide sustainability certificates for wood products with a value of more than €2,000.
39. Are there monitoring systems in place to oversee the implementation and/or enforcement of the policy tool?
∘ No
40. Describe the monitoring systems in place. Please reference the relevant section/subsection/paragraph of the policy tool where monitoring systems are set.
The guidelines on the procurement decree for wood products and its implementation will be
evaluated by the federal government after two years and adjusted accordingly if necessary. The basis for the evaluation will be future monitoring of the implementation of the procurement decree.
The focus of the evaluation will be primarily on aspects of the practicability and implementability of the individual evidence described as well as the defined scope according to section 3 of this quide.
41. Does the policy tool recommend or require periodic impact assessments?
○ No
∘ Recommended

Required
42. Select the option that best describes the frequency of periodic impact assessments recommended or required by the policy tool.
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
○ Not specified
○ Other
43. Does the policy tool recommend or require periodic reviews?
∘ No
○ Recommended
Required
44. Select the option that best describes the frequency of the recommended or required periodic reviews.
● 0-2 years
o 2-5 years
o 5-10 years
o 10 or more years
○ Not specified
○ Other

subnational governments (e.g. vertical coordination mechanisms such as appointing coordinating agencies, forming working groups, etc.)?
No
∘ Yes
47. Are there any government initiatives to enhance the capacity of targeted entities to implement or comply with the policy tool (e.g. industry working groups, outreach campaigns, education and training, etc.)?
No     No
∘ Yes

45. Does the policy tool include mechanisms for enhancing policy or regulatory coordination with

omain-Specific Questions: Disclosure Questions	
Vhat is being disclosed?	

52. Are targeted entities recommended or required to disclose any of the following climate-related information? Select all that apply.

	Recommended	Required	Neither recommended nor required		
1. Greenhouse gas (GHG) emissions					
2. GHG emissions					
offsets or removals		_	_		
3. GHG emissions					
reduction targets					
4. Other climate-		<b>✓</b>			
related targets					
5. Physical climate risk					
6. Transition risk					
7. Transition plan					
84. Which of the following entities disclose? Select a		urgets does the policy tool	recommend or require		
□ Targets for renewable the policy tool relevant to	=: :	ase reference the section/s rement targets)	subsection/paragraph of		
□ Targets for fossil fuel p the policy tool relevant to	•		n/subsection/paragraph of		
☐ Targets or goals related of the policy tool relevant	· · · · · · · · · · · · · · · · · · ·	Please reference the section	on/subsection/paragraph		
= =		ersity (Please reference th evant to nature and/or bio			
☐ Targets or goals related policy tool relevant to just	•	e reference the section/sul	bsection/paragraph of the		
Other targets (Please reference the section/subsection/paragraph of the policy tool relevant to other targets) <u>Sustainable forest management</u>					

Other disclosures

105. Are targeted entities recommended or required to disclose any other climate-related information? Select all that apply.

	Required	Recommended	Neither recommended nor required
1. Climate-related			✓ V
opportunities			
2. Remuneration			
based on achieving			
climate-related goals			
3. Taxonomies			<b>V</b>
4. Capital allocation			
and/or expenditure			
plans (in the context of			
climate change) 5. Due diligence			<b>✓</b>
			<b>✓</b>
6. Assumptions and Dependencies			
7. Data limitations of			<b>✓</b>
scenario analyses			
8. Financial			<b>✓</b>
implications of			
climate-related			
matters (e.g.,			
integration of climate-			
related disclosures			
into financial			
accounting standards)			<b>✓</b>
9. Stewardship (e.g.,			
whether stewardship codes are in place,			
how entities vote in			
shareholder meetings,			
etc.)			
10. ESG			✓
methodologies and			
criteria (in the case of			
service providers)			
11. Asset planning or			
ownership in the			
context of climate			
change 12. Sectoral			<b>✓</b>
investment policies			
13. Climate-related			<b>✓</b>
lobbying and/or policy			
engagement			
14. Locked-in			<b>✓</b>
emissions or			
information on			

emissive assets with						
long lifespans						
15. Dirty asset			<b>✓</b>			
divestiture						
16. Nature-related			<b>✓</b>			
impacts						
17. Just transition						
indicators						
Standards, Frameworks, and Guidelines						

125. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. IFRS S1			$\checkmark$
2. IFRS S2			$\checkmark$
3. Task Force on Climate-related Financial Disclosures (TCFD)			
4. GHG Protocol Corporate Accounting and Reporting Standard			
5. GHG Protocol Corporate Value Chain (Scope 3) Accounting and Reporting Standard			
6. CDP (formerly known as Climate Disclosure Project) reporting framework			
7. International Integrated Reporting Framework			
8. Global Reporting Initiative (GRI)			<b>~</b>
9. Sustainability Accounting Standards Board (SASB)			
10. European Sustainability Reporting Standards (ESRS)			
11. Taskforce on Nature-related Financial Disclosures (TNFD)			
12. Partnership for Carbon Accounting Financials (PCAF)			
13. Glasgow Financial Alliance for Net Zero (GFANZ)			
14. Other			

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126. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.

Possibilities of proving the sustainability of wood products/forest management:

<u>None</u>

- Chain-of-Custody (CoC) certificate - equivalent certificate - Forest Stewardship Council (FSC) - Programme for the Endorsement of Forest Certification Schemes (PEFC) (section 2.2 Wood Products Procurement Decree) **Additional Important Information** 128. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material. Additional Important Information 197. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.

Domain-Specific Questions: Public Procurement Questions
200. Does the policy tool allow, recommend, or require the alignment of public procurement spending with national and/or subnational climate targets?
∘ No
Allowed and/or recommended
o Required
201. Describe the obligation to align public procurement spending with national and/or subnational climate targets, referencing the relevant section/subsection/paragraph of the policy tool.
The Federal Government's aim is to use the 2010 Procurement Decree for Wood Products to promote wood products from sustainable and legal forest management worldwide and to ensure the use of such wood products in public procurement.

202. Does the policy too	set targets in relation	to climate-alianed	nrocurement?	Select all that apply
ZUZ. DUES LITE DUTIES LOU	Set targets in relation	to cilinate-alianea	DIOCUIEITE IL	Sciect all that apply

	Allowed/recommended	Required	Not applicable
A minimum percentage of tenders/contracts which must include climate-related criteria			
A minimum number of climate-related criteria to be included in purchases/tenders			
A minimum value of procurement spend which must include climate-related criteria			
A maximum amount of greenhouse gas emissions associated with tenders/contracts (i.e. a carbon ceiling/envelope)			
Targets for the reduction of fossil fuel energy consumption associated with tenders/contracts			
Targets for the procurement of products which have a third-party sustainability certification/ ecolabel/ voluntary sustainability standard			
Other (Please describe and reference the section/subsection/paragraph of the policy tool relevant to other climate-aligned procurement targets)			
Other Text:			
Procurement Cycle			

204. Does the policy tool make recommendations or allowances or set requirements related to climate change mitigation at the procurement planning stage? Select all that apply.

	Allowed/	Required	Not applicable
D :	recommended		
Procuring entities			
consider climate			
change mitigation			
and/or GHG emissions			
reductions goals when			
defining their			
procurement needs			
Procuring entities have			
a strategy, plan, or			
policy regarding the			
alignment of			
procurement practices			
with climate objectives			
Procuring entities set			
aside a portion of their			
procurement budgets			
for climate-aligned			
procurement			
Procuring entities			
include emissions from			
procurement in their			
carbon budget			
Procuring entities			
follow guidance on			
calculating			
procurement-related			
emissions			
Procuring entities			
inform and/or consult			
with market actors in			
advance of publishing			
the formal call for			
tenders, in relation to			
climate considerations			
(i.e. pre-procurement			
consultation,			
engagement, or			
dialogue)			
Other allowances,			
recommendations or			
requirements related			
to climate change			
mitigation or GHG			
emissions at the			
procurement planning			
stage			

215. Describe and reference the section/subsection/paragraph of the policy tool relevant to other recommendations related to climate change mitigation or GHG emissions at the procurement planning stage.
If the order value of €2000 has been reached, then in order to provide evidence of the requirements of the Joint Decree on the Procurement of Wood Products, the bidder must declare in what form the required proof of sustainability is provided by means of a self-declaration using the "Declaration on the Use of Wood Products" form when submitting the offer is presented. The corresponding proof (CoC certificate or verified individual proof) must then be presented to the public client in the original after the contract has been awarded and before installation of the wood or wood products.
Life-cycle or Whole-life Costing
217. Does the policy tool recommend or require the use of life-cycle costing or whole-life costing to capture climate-related impacts (e.g. energy or fuel consumption, monetized emissions or other environmental costs, end-of-life costs, etc)?
● No
Allow and/or recommend
o Require
Tendering or Solicitation Stage

222. Does the policy tool make allowances, recommendations or set requirements at the tendering or solicitation stage? Select all that apply.

	Allowed/recommended	Required	Not applicable
Exclusion or			
debarment grounds			
based on compliance			
with climate			
obligations			
Qualification or			
selection criteria			
related to climate			
change			
Including climate or			
environmental			
considerations when			
calculating value for			
money, including			
through the use of life-			
cycle or whole-life			
costing			
Technical			
specifications (e.g.			
setting minimum levels			
of energy efficiency or			
maximum product			
carbon emissions)			
Contract award			
criteria or value for			
money evaluation			
frameworks (e.g.			
minimum			
scores/performance			
levels under climate-			
related criteria,			
preferences for climate			
or sustainable			
products)			
Other procurement			
stage allowances,			
recommendations or			
requirements			
requirements	<u> </u>		l
Evaluation on Dahamma+	Cuaunda		
Exclusion or Debarment	Grounds		

224. Are there any conditions for the application of exclusion or debarment grounds?				
No     No				
$\circ$ Yes (Describe the conditions, referencing the relevant section/subsection/paragraph of the policy tool)				
225. To which of the following do the exclusion/debarment grounds relate? Select all that apply.				
$\hfill\square$ Absence of convictions/prosecutions for climate and/or environmental offences				
Requirements linked to climate-responsible business conduct, e.g. adequate supply chain transparency (including Scope 3 GHG emissions inventory), GHG emissions reductions targets, climate-related transition plans, etc.				
$\hfill\square$ Poor performance and/or failure to evidence progress on corporate climate and environmental policies				
$\hfill\square$ Requirements related to past performance, e.g. absence of contracts which have been terminated on climate or environmental grounds				
□ Other (Describe any additional climate-related exclusion grounds, referencing the relevant section/subsection/paragraph of the policy tool)				
226. Describe and reference the section/subsection/paragraph of the policy tool relevant to climate-responsible business conduct as a condition of exclusion or debarment grounds.  If by procurements of wood products for a procurement price higher than 2000 Euro the bidder does not provide a certificate for sustainability, bidder shall be excluded from the procurement procedure.  Provision of proof for sustainability is a must criterion for contract award.				
Contract Performance				
249. Does the policy tool make allowances, recommendations or set requirements at the contract performance stage (e.g. contract clauses, key performance indicators or conditions which must be included to monitor and report on emissions or other metrics)?				

No

284

Allowed and/or recommended
o Required
Monitoring and Reporting
252. Does the policy tool include allowances, recommendations or requirements to monitor and/or report upon climate-aligned procurement?
No     No
o Allowed and/or recommended
o Required
Standards, Frameworks, and Guidelines

262. Does the policy tool require the use of or make reference to any of the following standards, frameworks, or guidelines? Select all that apply.

	Required	Referenced	Neither required nor referenced
1. Paris Agreement			<b>✓</b>
2. The jurisdiction's			<b>✓</b>
Nationally Determined			
Contribution (NDC)			
3. IFRS S1			<b>✓</b>
4. IFRS S2			$\checkmark$
5. Task Force on Climate-			$\checkmark$
related Financial Disclosures			
(TCFD)			
6. GHG Protocol Corporate			
Accounting and Reporting			
Standard			
7. GHG Protocol Corporate			
Value Chain (Scope 3)			
Accounting and Reporting Standard			
8. CDP (formerly known as			<b>✓</b>
Climate Disclosure Project)			
reporting framework			
9. Science Based Targets			
initiative (SBTi)			
10. Science Based Targets			<b>✓</b>
initiative (SBTi) Net Zero			
Standard			
11. United Nations			
Sustainable Development			
Goals (SDGs)			
12. ISO 20400 Sustainable			
Procurement			
13. EU Green Public			
Procurement criteria and			
guidance			<b>✓</b>
14. UNEP Sustainable Public			
Procurement Implementation Guidelines			
15. OECD MAPS -			<b>✓</b>
Supplementary Module on			
Sustainable Public			
Procurement			
16. Asian Development			<b>✓</b>
Bank Guidelines for			
Sustainable Procurement			
17. African Development			<b>✓</b>
Bank Sustainable Public			
Procurement Guidance Note			

18. Inter-American Development Bank Green			<b>✓</b>	
Procurement Guidelines				
19. EDBR Project			$\checkmark$	
Requirements/Environmental				
and Social Action Plan				
20. World Bank			$\checkmark$	
Environmental and Social				
Framework				
21. Other		<b>&gt;</b>		
263. List any other standards, frameworks or guidelines integrated into or referred to within the policy tool. Please provide a web-archived link to each standard/framework/guideline listed.  The Erlass für die Beschaffung von Holzprodukten requires or references the use of the following standards, frameworks, or guidelines:  FSC (Forest Stewardship Council)  PEFC (Programme for the Endorsement of Forest Certification)  EU Timber Regulation (EUTR)  German Government's Criteria for Sustainable Wood Procurement  These standards and frameworks are crucial for ensuring that public procurement of wood products				
in Germany aligns with legal and an		oractices.		

265. Note any additional important information about the contribution of the policy tool to net zero alignment not captured in the above questions. If referencing new sources (i.e. not referenced in Question 3), provide a web-archived link to the source material.