

**Act on Consideration for the Energy and Environmental Impact of Vehicles in Public
Procurement
(1509/2011)**

Section 1
Purpose and scope

- (1) This Act implements Directive 2009/33/EC of the European Parliament and of the Council on the promotion of clean and energy-efficient road transport vehicles.
- (2) This Act applies to the procurement of road transport vehicles and passenger transport services performed using road transport vehicles which is organised under the Act on Public Contracts (348/2007), the Act on procurement procedures for entities operating in the water, energy, transport and postal services sector (Laki vesija energiahuollon, liikenteen ja postipalvelujen alalla toimivien yksiköiden hankinnoista 349/2007) and the Public transport act (Joukkoliikennelaki 869/2009).
- (3) However, this Act does not apply to the procurement of vehicles referred to in section 1(5) or section 2 of the Vehicles Act (1090/2002).

Section 2
Road transport vehicle

In this Act and provisions adopted pursuant thereto 'road transport vehicle' means vehicles belonging to categories M and N as defined in Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.

Section 3
Consideration for the energy and environmental impact

- (1) In the case of procurement as referred to in section 1(2), the following energy and environmental impacts resulting from the use of the vehicles shall be taken into consideration as a minimum:
 - 1) energy consumption;
 - 2) carbon dioxide emissions;
 - 3) nitrogen oxide, hydrocarbon and particulate emissions.

- (2) Noise and the local effects of emissions and other environmental impacts may also be taken into consideration in procurement.
- (3) Tenderers shall be informed in advance of the comparison criteria and the technical specifications or definitions.

Section 4

Minimum requirements

- (1) The energy and environmental impacts referred to in section 3 may be taken into consideration by setting minimum requirements for such impacts in the invitation to tender or the contract notice as part of the technical description of the contract, in the form of a technical specification or definition. The criteria for eco-labels referred to in section 45 of the Public Procurement Act may also be used when setting these requirements.
- (2) Tenderers shall enclose with their bids any documentation to their bids which they wish to cite as evidence that they satisfy the minimum requirements.

Section 5

Consideration for the energy and environmental impact when comparing bids

- (1) If the need to take energy and environmental impacts into consideration is not specified in the invitation to tender or contract notice in the form of minimum requirements, as referred to in section 4, these impacts must be taken into account as comparison criteria for determining the economically most advantageous bid. Provisions on announcing the weighting of comparison criteria in the invitation to tender or contract notice are laid down in the acts referred to in section 1(2).
- (2) Consideration may also be given to energy and environmental impacts by combining the procedure referred to in subsection (1) and the minimum requirements procedure laid down in section 4.
- (3) If the energy and environmental impacts are quantified in financial terms for the purpose of assessing relative economic advantage, this shall be done by calculating the vehicle's lifetime environmental costs, as laid down in Article 6 of the Directive referred to in section 1(1) and its Annex.
- (4) Detailed rules on the method of calculating the environmental costs referred to in subsection (3) and on the individual values for different vehicles will be enacted by decree of the Ministry of Transport and Communications, where necessary.

Section 6
Determining energy consumption and emissions data

- (1) When calculating environmental costs for the purpose of determining energy consumption and emissions, the contracting entity shall use information from the vehicle's EU type approval, the results of test procedures in general use, or data obtained from the vehicle manufacturer, applying this consistently to all tenderers.
- (2) The energy consumption and emissions data should primarily be based on the EU type approval test, if such a test is prescribed for the vehicles that are the subject of the contract. Energy consumption and carbon dioxide emissions shall be determined using combined values from the EU type approval, unless stated otherwise in the invitation to tender or contract notice.
- (3) When determining emissions, consideration may also be given, in the manner prescribed in the invitation to tender or contract notice, to the reduction in lifetime carbon dioxide emissions or harmful emissions resulting from the raw material or production method of any alternative fuels used, provided that the reduction in emissions was not taken into account as part of the vehicle's emissions data, and on condition that an undertaking is given to use this fuel in the vehicles that are the subject of the contract and procedures are set up to monitor its use.

Section 7
Legal remedies, appeal and penalties

Provisions on legal remedies, appeal and penalties are laid down in the acts referred to in section 1(2).

Section 8
Entry into force

- (1) This Act enters into force on 1 February 2012.
- (2) This Act shall not apply to contracts for which the procurement procedure began before the Act entered into force.