

## BELGIUM<sup>1</sup>

### *Context*

Since the 1999-2003 parliament, the Belgian government has attached great importance to issues of sustainable development, appointing a Secretary of State to oversee this area as well as creating the Public Service for Sustainable Development Planning (PODDO). In 2014, the PODDO was replaced by the Federal Institute for Sustainable Development (FIDO). Its core business has, however, remained the same. The Secretary of State realised that the Belgian federal authorities could not roll out a sustainable public procurement policy without a web-based user's guide outlining the technical sustainability criteria to be included in specifications for the purchase of supplies and services. An initial version of the guide, called the *Sustainable Procurement Guide*, went online before the end of the 1999-2003 parliament. In addition, channels for on-going dialogue were established between the government, enterprises and purchasing units.

Each federal ministerial department was instructed by Royal Decree to set up a sustainable development cell. A consultation network known as the Interdepartmental Commission on Sustainable Development (CIDD) was constituted to oversee these sustainable development cells.

On 16 May 2002, the Procurement Advice and Policy (CPA) Cell was established. Its management plan included sustainable procurement strategic objectives, along with operational goals and projects. In parallel, the Central Procurement Body for Federal Services (CMS) was established, with a management plan calling for special attention to sustainable procurement.

In addition, a consultation network was launched in September 2002. Items on the agendas of its meetings frequently concern sustainable procurement issues. The network's membership comprises a representative from each Federal Public Service (*Service Public Fédéral*, SPF) and each Public Planning Service (*Service Public de Programmation*, SPP), a representative from each semi-public social body, a member of the Building Authority and a representative of the Inspectorate of Finance.

All of these bodies contribute to ensuring dialogue and formulating a federal policy for sustainable procurement.

### *Objectives*

The objectives of the project are to:

- continuously pursue an affirmative, positive and evolving sustainable procurement policy
- consider how federal purchasing units can apply environmental criteria more widely in all public procurement of supplies and services
- consider how federal purchasing units can apply social criteria in certain instances of public procurement of supplies and services
- consider how ethical criteria, in particular the core International Labour Organization's conventions, can be incorporated into federal government procurement of supplies and services, with a specific goal to monitor that these core conventions are complied with from A to Z.

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1. Case study submitted by Federal Public Service (SPF) Personnel and Organisation, Cellule marchés publics, Belgium.

### ***Implementation***

The following authorities are involved in the implementation of environmental, social and ethical criteria:

- Federal Institute for Sustainable Development – FIDO (knowledge centre)
- Procurement Advice and Policy Cell – CPA (purchasing policy)
- Central Procurement Body for Federal Services – CMS (trendsetter)
- Interdepartmental Commission on Sustainable Development – CIDD; sustainable development cells; and the consultation network (channels of dialogue and communication)
- various federal government purchasing units (each of which contributes to the implementation of federal sustainable procurement policy)
- companies supply information.

Procurement procedures comply with the general rules laid down in the European Treaty and European Directives, i.e. it must be ascertained whether objectives can be achieved by means of an open or restricted procedure, and if this is not possible, a negotiated procedure must be used.

To draft specifications, a major preliminary market survey is carried out to assess how sustainability clauses will affect competition and the final price.

The FIDO continuously updates the *Sustainable Procurement Guide* and advises on the correct interpretation of technical specifications and other clauses contained within it. Furthermore, the FIDO conducts studies on issues such as life-cycle costing. The FIDO had 11 staff in 2014.

The CPA Cell encourages federal purchasing units to incorporate sustainability clauses into contract specifications, via the consultation network. It also advises on the incorporation of sustainability clauses into contract specifications, not only through its templates (which can be consulted at [www.publicprocurement.be](http://www.publicprocurement.be)) but also through customised advice.

The sustainable development cells assist buyers in incorporating sustainability clauses into contract specifications.

The CPA Cell works hand-in-hand with the CMS to incorporate sustainability clauses into the CMS' contract specifications and sends feedback from the federal purchasing units, noted by the consultation network, to the FIDO. The sustainable development cells also convey their experience to the FIDO (via the CIDD).

To ensure good results, the *Sustainable Procurement Guide* must: *i*) be kept constantly up to date; *ii*) strictly match the characteristics of the sector concerned, without losing sight of competition and price considerations. Furthermore, the FIDO has understood that it is important for purchasing units to be able to use sustainable procurement methodologies in the communities (Flemish- and French-speaking) and regions (Flemish, Walloon, Brussels-Capital and German-speaking), as well as in provinces and municipal councils. Consequently, the FIDO has set up a standing working party with members from the communities, regions, provinces and municipal councils, to avoid taking one-sided decisions. The *Sustainable Procurement Guide* is therefore updated in collaboration with the other Belgian public bodies.

Also, a methodology has been developed on the basis of good practices of public bodies outside the Belgian federal government to reach out to businesses. When compiling or updating technical specifications for products and services belonging to a certain industrial sector, the working party contacts the professional organisation that represents the sector but not individual sector companies. The professional organisation mobilises the companies which it believes are the best placed to help establish technical specifications that match the capabilities of suppliers in the industrial sector in question. This working method has helped establish realistic specifications that allow good levels of competition. This process is used for all sectors.

### ***Impact and monitoring***

The CPA, via feedback from the consultation network, and the FIDO, via feedback from the CIDD, have noted that the technical specifications featured in the *Sustainable Procurement Guide* are increasingly being used by the federal purchasing units as well as by the purchasing units of other Belgian public bodies, thanks to their reliability. The consultation network and the CIDD are in charge of monitoring.

### ***Challenges and risks***

Industrial sectors in Belgium are constantly seeking to improve their products, as technical specifications in the *Sustainable Procurement Guide* may become outdated. The challenge is therefore to inform the FIDO in a timely manner of all developments in products and services in the various industrial sectors.

Three actions can help attain this objective:

- First, the CPA Cell should endeavour to take note of all comments put forward by members of the consultation network that might suggest irregularities in the *Sustainable Procurement Guide*. As the FIDO also has a representative in this network, it is aware of any anomaly.
- Second, the FIDO should encourage the CIDD to report any irregularity concerning the *Sustainable Procurement Guide*. Thus, the sustainable development cells also play an important role in this process.
- Lastly, the FIDO should encourage the professional organisations that helped draft the technical specifications and have a sense of “ownership” towards these specifications to report any developments that might require a review of the technical specifications in the *Sustainable Procurement Guide*. Professional organisations may also co-operate with the process, since they implemented a communications campaign with their members at the time that their members were first mobilised. As a result, they can report any developments in their sector to ensure that they retain their credibility *vis-à-vis* their members.

### ***Key lessons learnt***

The following lessons have been learnt from the incorporation of technical specifications into the *Sustainable Procurement Guide*:

- all interested parties must work together
- high-level support (in this case from the Belgian federal government) is essential

- companies need to be convinced that active collaboration is in their best interests
- communication channels with all parties and stakeholders must be active at all times
- results obtained must constantly be reviewed and challenged
- there should be no complacency and striving to achieve better results should be an on-going objective.