

Operational lifetime energy and environmental impact requirements when purchasing road-transport vehicles¹

Adopted 27.10.2011 No 138

This Regulation is enacted on the basis of Section 31(2¹) of the Public Procurement Act.

§1. Purchase of road-transport vehicles

(1) Contracting authorities (within the meaning of Section 10 of the Public Procurement Act) shall, when purchasing road-transport vehicles falling under the category given in Table 3 of the Annex to this Regulation, take into account the operational lifetime energy and environmental impact of the vehicle (as set out in subsection 3 below) and apply at least one of the options referred to in Section 2.

(2) Application of this Regulation shall not be mandatory for the purchase of road-transport vehicles costing less than the threshold given in Section 15(1)(2) of the Public Procurement Act, or the purchase of vehicles of the type indicated in Article 2(3) of 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 (OJ L 263, 9.10.2007, p. 1-160), where such vehicles are not subject to type-approval or individual approval, or the purchase of defence-force vehicles to be used in war time.

(3) The operational lifetime energy and environmental impact of a road-transport vehicle shall be determined taking account of at least the following factors:

- 1) energy consumption;
- 2) carbon-dioxide emissions;
- 3) emissions of nitrogen dioxides (NO_x), non-methane hydrocarbons, and particulate matter.

(4) As well as the operational lifetime energy and environmental impact referred to in subsection 1, contracting authorities may also take into account other environmental factors listed in the vehicle's type-approval documentation.

(5) Fuel consumption (energy consumption) and emissions of carbon dioxide and other pollutants for vehicle operation (listed in Table 2 of the Annex) shall be based on standardised European Union test procedures, for vehicles for which such test procedures are laid down in type-approval legislation. For vehicles not covered by standardised European Union procedures, comparability between offers shall be ensured by using widely recognised test procedures, or the results of tests for the authority, or information supplied by the manufacturer.

§2. Calculating the operational lifetime energy and environmental impact when purchasing road-transport vehicles

¹ Directive 2009/33/EC of the European Parliament and of the Council on the promotion of clean and energy-efficient road transport vehicles (OJ L 120, 15.05.2009, p. 5-12).

(1) In order to meet the requirements laid down in Section 1(1) and (3) the contracting authority shall:

1) include in the tender technical specifications for the energy and environmental requirements for road-transport vehicles in respect of each of the impact factors given in Section 1(3) and any of the other possible environmental impact factors referred to in Section 1(4); or

2) take energy and environmental impact into account when purchasing road-transport vehicles.

(2) The energy and environmental impact referred to in Section 2(1)(2) shall be taken into account by:

1) adding impact requirements to the tender documentation as an evaluation criteria; or

2) using the methodology set out in Section 3, if the impact is to be monetised.

§3. Methods for calculating the monetary value of the operational lifetime energy and environmental impact of road-transport vehicles

(1) When applying Section 2(2)(2), operational lifetime energy consumption linked to the operation of the vehicles under purchase, and carbon-dioxide emissions and other pollutant emissions as set out in Table 2 of the Annex, shall be monetised and calculated using the methodology set out in subsections 2, 3 and 4.

(2) The monetary value of the operational lifetime energy consumption of a vehicle shall be calculated using the following methodology:

1) Fuel consumption for vehicles under Section 1(5) shall be converted into units of energy consumption per kilometre, whether this is given directly, which is the case for instance for electrical cars, or not. Where the fuel consumption is given in different units, it shall be converted into energy consumption units per kilometre, using the conversion factors given in Table 1 of the Annex for the energy content of the different motor fuels.

2) Calculation of the unit cost of the energy consumption of a vehicle shall be based on the pre-tax price per energy unit of petrol or diesel used as motor fuel, depending on which has the lower average price on the market. The average pre-duty fuel price for major retailers in Estonia is published every week on the European Commission's Market Observatory for Energy website. The energy consumption unit price is arrived at by dividing the average litre price for the cheapest fuel by the number of energy units per litre given in Table 1 of the Annex.

3) The monetary value of the operational lifetime energy consumption of a vehicle shall be calculated by multiplying the lifetime mileage, according to subsection 5 (taking into account previous mileage when purchasing used vehicles), by the energy consumption unit per kilometre defined in indent 1 and the energy consumption unit cost referred to in indent 2.

(3) The monetary value of the operational lifetime carbon-dioxide emissions of a vehicle shall be calculated by multiplying the lifetime mileage, according to subsection 5 (taking into account previous mileage when purchasing used vehicles), by the value for carbon-dioxide emissions in kilograms per kilometre given in Section 1(5) and the cost per kilogram taken from the range given in Table 2 of the Annex.

(4) The monetary value of operational lifetime emissions of other pollutants shall be calculated by summing the value of operational lifetime emissions of nitrogen oxides, non-methane hydrocarbons and particulate matter. The monetary value of each operational lifetime pollutant shall be calculated by the lifetime mileage, according to subsection 5 (taking into account previous mileage when purchasing used vehicles), by the value for emissions in grams per kilometre given in Section 1(5) and the monetary value for one gram, on the basis of the Community-averaged monetary values given in Table 2 of the Annex. Contracting authorities may apply higher monetary values, provided that they do not exceed the monetary values given in Table 2 of the Annex multiplied by a factor of two.

(5) Lifetime mileage of a vehicle, if not otherwise specified in the tender documentation, shall be taken from Table 3 of the Annex.

§4. Implementing provision

Procurement procedures initiated before the entry into force of this Regulation shall be completed on the basis of the regulations in force before the entry into force of the Regulation.

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Encl.: Data for the calculation of operational lifetime costs of road-transport vehicles