

ANALYTICAL REPORT OF THE ECOLABELLING PRACTICES IN UKRAINE

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The views expressed herein are those of the authors only and can in no way be taken to reflect the official opinion of the European Union, its members, the Governments of the Eastern Partnership Countries or the implementing partners.

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ABBREVIATION

EU	The European Union
EU4Environment	The European Union for Environment Action
EaP GREEN	The Greening Economies in the European Union's Eastern Neighbourhood programme
SPP	Sustainable Public Procurement
EGD	European Green Deal
NGO Living Planet	All-Ukrainian NGO Living Planet
CAB	Conformity Assessment Body
DSTU	State Standard of Ukraine
AMCU	Antimonopoly Committee of Ukraine
Association Agreement	Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States

SUMMARY

Analytical report of the ecolabelling practices in Ukraine was prepared by the NGO Living Planet under contract with the UN Environment Program (UNEP) in the framework on implementation of EU-funded EU4Environment project in Ukraine.

The section I contains an analysis of the Type I Ecolabelling Programs operating in Ukraine (Green Crane and Green Star) and review of the ecolabels available on the Ukrainian market. In particular, In Ukraine, there are products of domestic and imported production that have ecolabels a) Ukrainian Ecolabelling Programs of type I; b) Regional Ecolabelling Programs of type I (Ecolabel EU (EU) and The Nordic Swan (Scandinavian countries); c) Type I Ecolabelling Programs that operate in other countries and are internationally recognized (Blue Angel (Germany), Green Seal (USA), TCO Certified (Sweden), ENERGY STAR, FSC, PEFC, Oeko-Tex Standard); and d) ecolabels type II and III. The market is full of the facts of greenwashing were also highlighted. There are also contains the results of a marketing survey conducted in January - February 2020 in Kyiv retail (shops and supermarkets). It was considered that there was a need to ensure the proper competence of the customer responsible for organizing and conducting the procurement, including preparation of the tender documentation, as well as raising awareness of manufacturers, consumers and representatives of public authorities, that exercise control over public procurement, should receive relevant training in the field of SSP.

The section II contains an analysis of the ecolabelling practices in public procurement. In particular, In Ukraine has a practice when procurers including in the tender documentation such requirements as: a) product compliance of environmental criteria for life cycle assessment in accordance with DSTU ISO 14024, and providing the copies environmental certificate in accordance with DSTU ISO 14024 as a supporting document; and b) compliance with other environmental standards (for example, ensuring the need to apply environmental protection measures to the procurement subject). This practice is mostly used in procurement of detergents and cosmetics, paints and varnishes, pipes (water, sewer), fruit and vegetable juices, glass, textile products, paper products, services for the maintenance of administrative premises.

The section III defines a) the grounds that promote the development to the use of ecolabelling in public procurement and b) the barriers to the use and the ways to overcome them. The grounds that are of particular importance in promoting the use of ecolabelling in public procurement include the new version of the Law of Ukraine "On Public Procurement" (valid from 19/04/2020), DSTU ISO 20400: 2018 Sustainable Procurement. Guidelines (ISO 20400: 2017, IDT) (valid until 01/01/2022) and DSTU ISO 20400: 2019 Sustainable Procurement. Guidelines (ISO 20400: 2017, IDT) (will come into effect 01/01/2022), and introduction in Ukraine of a system for determining the requirements for ecodesign of energy consumer products. The barriers to the use of ecolabelling in public procurement include: 1) lack of definition of environmental goods and services and statistical reporting in the environmental goods and services sector; 2) restriction of the right to place ecolabels on products if such products were obtained as a result of organic production; and 3) most procurers have doubts about the following: a) the inclusion of the requirement for a certificate in accordance with DSTU ISO 14024 because of the potential contestation of the terms of the documentation or the results of the procurement by participants and the risk of cancellation of bidding; b) correct wording of the requirements of the tender documentation; c) willingness to further uphold its decision when passing compliance with public procurement law.

The section IV contains recommendations for the next steps for promote the development to the use of ecolabelling in Ukraine, based on the results, conclusions and recommendations. In particular, the list of activities related to the:

- Improving legislation and introducing statistical reporting;
- Integration of environmental performance requirements between eco-labeling programs;
- Information and educational activities.

INTRODUCTION

Eco-labeling is a powerful tool for securing a sustainable future and actively contributes to 11 of the 17 Global Sustainable Development Goals through, first of all, the mechanism of setting the pre-emptive legislative requirements, including the requirements for the following:

- Effective consumption of natural resources and waste management;
- Limiting the use of harmful chemicals;
- Preventing climate change;
- Informing the consumer in order to influence their choice.

The European Green Deal (EGD)¹ states that public authorities should set an example and ensure that their procurement is environmentally friendly. And overcoming unfair green labeling is one of the areas of the EGD. In particular, it is noted that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of *greenwashing*². Companies making 'green claims' should substantiate these against a standard methodology to assess their impact on the environment.

This is also noted in the Guidelines for Providing Product Sustainability Information (United Nations Environment Programme)³. Gaining consumers' trust is a prerequisite for ensuring that they purchase and use products in a more sustainable manner. Telling consumers the truth is fundamental to gaining their trust. Therefore, claims need to be based on substantiated evidence. Consumers can then be sure that their action contributes to a wider good, something they are increasingly looking.

In Ukraine, the requirements for ecolabeling were introduced in 2002-2003 by adopting a series of international standards ISO 14020 "Environmental labels and declarations" to the national standardization system. The development of ecolabelling to improve the environmental performance of products is one of the objectives of the State Environmental Policy Strategy of Ukraine for the period up to 2030⁴. According to the Strategy, environmental certification and labeling provides for the improvement of ecological validity and efficiency of activity of economic entities, improvement of ecological characteristics of products.

In 2016, in the framework of EU-funded EaP GREEN project, UNEP experts reviewed the existing ecolabels of the three SPP priority products at national and European levels, assessing their relevance and completeness. In particular, the following product categories were considered: paint and varnish materials, detergents and thermal insulation materials.

In order to review the progress on eco-labelling system in Ukraine since 2017, in the framework of EU4Environment project, this study will assess:

- The ecolabels available on the Ukrainian market were reviewed;
- The Type I Ecolabelling Programs operating in Ukraine were analyzed;
- The practices of applying Ecolabelling in public procurement were analyzed;

¹Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal. COM (2019) 640 final, 11.12.2019 https://ec.europa.eu/info/sites/info/files/european-green-deal-communication_en.pdf

²"Greenwashing" is derived from the term "whitewashing". It is an attempt to mislead consumers and to market products more environmentally friendly than they actually are. This can be an exaggeration or misrepresentation of an improved environmental performance, a claim that cannot be verified, is irrelevant or is simply false.

³https://www.oneplanetnetwork.org/sites/default/files/guidelines_for_providing_product_sustainability_information_ciscp_2017_revised.pdf

⁴<https://zakon.rada.gov.ua/laws/show/2697-19>

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- The reasons for the development of the use of ecolabels in public procurement have been identified;
 - The barriers to development and the ways to overcome them were identified.

This report will also recommend next steps on promotion and application of ecolabelling in Ukraine (including those recommendations, that could be implemented within EU4Environment project in Ukraine).

I THE OVERVIEW OF THE ECOLABELS AVAILABLE ON THE UKRAINIAN MARKET

Type I ecolabels are independent and reliable labels that consider the life-cycle impact of products. This group is the most useful from the point of view of a procurement practitioner. Type I ecolabels are based on criteria of environmental quality, and they guarantee that the awarded products respect the highest environmental standard in that market segment. Environmental lifecycle criteria establish the indicators of improved environmental performance and additional criteria that determine the environmental benefits of the certification subject. They are implemented as a standard of the environmental certification and Ecolabelling system. A separate standard is developed for each category of product or service. The criteria are usually developed through the involvement of a large number of stakeholders and awarded after an independent process of verification.

Type I ecolabels take into account all adverse environmental impacts of a product throughout its life cycle, for example, energy and water consumption, emissions, disposal, etc.

There are products marked with ecolabels available on the Ukrainian market:

- Ukrainian Ecolabelling Programs of type I⁵;
- Regional programs Ecolabel EU⁶ and The Nordic Swan⁷;
- Type I Ecolabelling Programs that operate in other countries and are internationally recognized⁸.

A Type I label is a third-party assessment of a product based on a number of criteria involved in the environmental impact of a product or material throughout its life cycle. The objective of this type of environmental labelling programme is to contribute to a reduction in the environmental impacts associated with products, through the identification of products that meet the specific criteria of a Type I programme for overall environmental preferability.

ISO 14024 is the fundamental guiding document for environmental certification and product labeling systems (Type I Ecolabelling Programs). This standard establishes requirements for a certification scheme, an Ecolabelling body (conformity assessment body), the development and adoption of environmental criteria for the life cycle assessment of goods and services of various categories.

The organizations calling themselves 'Ecolabelling bodies' were identified from available information sources.

⁵ DSTU ISO 14024:2002 Environmental labels and declarations. Type I environmental labelling. Principles and Procedures (ISO 14024: 1999, IDT) – Valid until 01/01/2022. In 2018, the International Organization for Standardization adopted an updated version of this standard, which has been implemented in the national standardization system as DSTU ISO 14024:2018 Environmental labels and declarations. Type I environmental labelling. Principles and Procedures (ISO 14024: 2018, IDT). This standard is effective from 01.01.2020. At the same time, DSTU ISO 14024:2002 remains in force until 01.01.2022. The new edition has no significant differences from the previous one.

⁶European Union Program, <http://ec.europa.eu/environment/ecolabel/>

⁷Scandinavian Program, www.nordic-ecolabel.org/

⁸The Blue Angel (Germany), Green Seal (USA), TCO Certified (Sweden), ENERGY STAR, FSC, PEFC, OEKO-TEX


In order to analyze their activities in the framework of this study, the following was conducted:

- a) A study of information posted on the websites of organizations;
- b) Interviewing.

The questionnaire form is given in Annex A to this Report.

The following conclusions are drawn from the analysis of the available and obtained data.

A. Green Crane Ecolabelling Program

Graphic image of an ecolabel	
Website	www.ecolabel.org.ua
Date of operation	2003
Operator	All-Ukrainian Non-Governmental Organization Living Planet
CAB	Center for Environmental Certification and Ecolabelling
Certification Body Competence Certificate	Accreditation Certificate №10156 dated 12.10.2017, issued by the National Agency for Accreditation of Ukraine ¹⁰ (valid until 11.10.2022), in the field of Ecolabelling type I: food, alcoholic beverages, water and soft drinks, textiles, mattresses, furniture and timber floor coverings, construction materials and products, chemical products, paper and plastic products, cosmetics, electrical and household appliances, accommodation services, services like "Green Office" and "Green Class", retail and wholesale and retail trade, bath services.
The implemented management system	The CAB implemented the management system that meets the requirements of DSTU EN ISO / IEC 17065 ¹¹ . The management system covers: general documentation of the management system, document management, records management, management analysis, internal audit, corrective and preventive actions.
International Recognition	2003 Member of Global Eco-labelling Network – GEN ¹² . 2011 - GENICES Certification and accession to the Multilateral Agreement on Mutual Recognition of Conformity Assessment (MMRA) between GEN member bodies ¹³ .
Product categories for which the approved environmental criteria are available	The environmental criteria of the program cover 48 categories of goods and services ¹⁴ .

⁹The sign is called "Green Crane". The inscription of SOE OEM 004 is variable depending on the product category and indicates the number of the ecological criteria of the Program for compliance with which the assessment was carried out. The inscription UA.08.002.341 is variable and means the registration number of the environmental certificate.

¹⁰https://www.ecolabel.org.ua/images/2019/2019_CERTIFICATE_NAAU_ENG.pdf

¹¹DSTU EN ISO / IEC 17065:2014 Conformity assessment. Requirements for bodies certifying products, processes and services (EN ISO / IEC 17065:2012, IDT)

¹²<https://www.globalecolabelling.net/>

¹³www.ecolabel.org.ua/en/about-as/genices

¹⁴www.ecolabel.org.ua/en/certification-criteria

<p>The development and implementation of environmental criteria</p>	<p>The environmental criteria set indicators of improved environmental performance¹⁵ and additional criteria that determine the environmental benefits of the certification subject over its life cycle. They are implemented as a standard of the environmental certification and ecolabelling system. A separate standard is developed for each category of product or service.</p> <p>The environmental criteria are developed by working groups established on the basis of the national technical standardization committee TC 82 "Environmental Protection" in accordance with the requirements in the field of national standardization. The working groups include TC members and the experts involved.</p> <p>The basic normative documents on the basis of which the environmental criteria are developed are: DSTU ISO 14024, DSTU ISO / TS 14027¹⁶, DSTU ISO 14040¹⁷.</p> <p>The standard is designed to meet the following requirements:</p> <ol style="list-style-type: none"> a) the criteria for European and other ecolabelling programs that have been GENICES certified; b) GEN Common Core Criteria. <p>This ensures mutual trust and recognition of the results of the evaluation by the international partners of the body.</p> <p>As a rule, the requirements of environmental criteria include (but are not limited to):</p> <ul style="list-style-type: none"> • The effectiveness of environmental policy and the effectiveness of managing the environmental aspects of the product life cycle; • The indicators of energy efficiency, physical and technical characteristics, durability; • Restriction or prohibition of the use of components by risk factors for the environment and human health according to the class and category of danger according to EU Regulation No 1272/2008¹⁸ (for industrial products); • The level of contamination of natural raw materials with toxic elements, the content of GMOs and dangerous impurities (for food, fabrics, cosmetics); • The indicators of specific activity of radionuclides in finished products; • The indicators of energy intensity of technological process of production; • The indicators of consumption of water and other resources in the technological process of production; • The indicators of environmental impacts of production activity; • Waste management of production and consumption, etc.
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¹⁵The improved environmental performance defines the improved relative to mandatory national standards that characterize the effects of certain categories of products on the environment and human health over the life cycle

¹⁶DSTU ISO / TS 14027:2018 Eco-labels and declarations. Development of product category rules (ISO / TS 14027:2017, IDT)

¹⁷DSTU ISO 14040:2013 Environmental Management. Life cycle assessment. Principles and Structure (ISO 14040:2006, IDT)


¹⁸Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on the classification, labeling and packaging of chemicals and mixtures, which replaces and repeals Directives 67/54 / EEC and 1999/45 / EC and amends Regulation (EC) No 1907/2006 REACH

	<p>The draft standard is discussed with stakeholders. After discussion, it is submitted to the Coordination Council for Ecolabelling¹⁹. The council consists of the representatives of central authorities, scientific and expert organizations, industrial unions, public organizations for consumer protection and environmental protection.</p> <p>The draft standard is agreed upon at the meeting of the Coordination Council. After that, the standard is approved and put into effect. Environmental criteria are subject to review every 5 years in the absence of grounds for earlier review (change of legislation, etc.).</p> <p>This procedure of the development and implementation of environmental criteria provides consultation with stakeholders when selecting and analyzing product categories, environmental criteria, functional characteristics of products in accordance with the requirements of DSTU ISO 14024.</p> <p>The information on the development and implementation of environmental criteria, as well as a description of the applicable environmental criteria, is available on the CAB website.</p>
<p>Assessment of compliance of products with environmental criteria and verification of current conformity</p>	<p>The procedure for assessment of compliance of products with environmental criteria and verification of current conformity (monitoring of environmentally certified products) is covered in detail on the CAB website.</p> <p>The evaluation is carried out by an expert commission formed by a conformity assessment body. The evaluation procedure involves a documentary audit. The list of supporting documentation and the requirements for it are determined by the conformity assessment body in accordance with the requirements of the environmental criteria for assessing the life cycle of a particular category of certification entity. When evaluating services, organizations (“green office”, “green class”), an on-site audit is mandatory (service facility, organization office).</p> <p>The results of the evaluation are analyzed by the head of the conformity assessment body. According to the results of the analysis, a decision on environmental certification is made. The certificate is valid for 3 years subject to annual supervision of certified products.</p> <p>During the period of validity of the certificate, the environmentally certified products are monitored annually in order to confirm further compliance of the products with the requirements of environmental criteria and to control compliance with the rules of application of ecolabelling. The supervision is carried out by analyzing the questionnaire data and the supporting documents provided.</p>
<p>Assignment of the ecolabel and conditions of its application to the products</p>	<p>The assignment of the ecolabel is carried out on the basis of a certificate and an agreement on the right to use the ecolabel, which defines the conditions of its application for the products. The detailed rules and policies for the use of ecolabeling are set out in CAB - SOU OEM 913.01. The label is registered in the State Register of Certificates of Ukraine for Labels for Goods and</p>

¹⁹<https://www.ecolabel.org.ua/pro-nas/koordinatsijna-rada>

	Services. The Certificate №271085 confirms the label as intellectual property of the NGO Living Planet.
Number of users of ecolabels and certified products	<p>As of 01.01.2020 there are 99 users of ecolabels and 1272 certified products and services.</p> <p>The register of valid environmental certificates and certified products is available on the CAB website ²⁰ and the Ministry of Ecology²¹.</p> <p>As of 01.01.2020 the leading environmentally certified products are paints and varnishes (325 names), food (231 names), detergents (211 names), dry building mixtures (196 names).</p>

B. Green Star Ecolabelling Program²²

Graphic image of an ecolabel	
Website	www.greenstar.org.ua
Date of operation	2018 (year of the NGO registration)
Operator	NGO All-Ukrainian Union of ecolabelling Green Star
CAB	NGO All-Ukrainian Union of ecolabelling Green Star
Certification Body Competence Certificate	The data on accreditation of the body are missing from the Register of conformity assessment bodies of the National Accreditation Agency of Ukraine and on the organization's website
The implemented management system	No data available
International Recognition	No data available
Product categories for which approved environmental criteria are available. The development and implementation of environmental criteria	No data available. Despite the requirement of DSTU ISO 14024 for the transparency of the Type I Ecolabelling program at all stages of its development and operation, the Green Star program does not contain open information about the product categories for which the approved environmental criteria are available, as well as the procedure for the development and implementation environmental criteria, stakeholder involvement, etc.
Assessment of compliance of products with environmental criteria and verification of current conformity	<p>The procedure for conducting an environmental review to obtain the Green Star product label includes the following main steps:</p> <ol style="list-style-type: none"> 1) Registration of the application at the Presidential Secretariat; 2) Consideration in the Presidential Secretariat of the application and a set of documents provided for the given product, decision-making on the application, including the choice of the scheme of examination; 3) Sampling, identification and delivery to the Expert Council (the number of samples, the procedure for their selection, identification, transportation

²⁰ <https://www.ecolabel.org.ua/en/register-of-certificates>

²¹ <https://menr.gov.ua/content/ekologichne-markuvannya-1.html>

²²The requested information on the questionnaire form wasn't obtained. A representative of the NGO "All-Ukrainian Union of Ecolabelling Green Star" informed by phone that the information, which was not provided on the website of the organization about its activities as a body was a closed one, and therefore the organization would not participate in the questionnaire.

	<p>and storage conditions are established in accordance with the requirements of regulatory documents for products);</p> <p>4) The Expert Council verification of production, consumer qualities of products, if provided for by the scheme of expertise;</p> <p>5) The Expert Council analysis of the results obtained and the decision to issue (refusal to issue) the Green Star certificate and label;</p> <p>6) Issuing the certificate and permission to use the Green Star label (the certificate is issued free of charge for a period of 6 months);</p> <p>7) Inspection of labeled products, if provided for by the examination scheme.</p>
Assignment of the ecolabel and conditions of its application to the products	The Green Star label is assigned under the trademark agreement. ²³
Number of users of ecolabels and certified products	<p>According to the Register of Valid Certificates²⁴, 32 entities are the users of the Green Star label.</p> <p>The number of certified products and services cannot be determined.</p> <p>The Register lists the product groups, including the following: two-component polysulfide sealant, butyl sealant based on polyisobutylene; molecular sieve; thermal insulation materials; mastics roofing and waterproofing; ceramic tiles; door leafs; wood chip boards; foam board; expanded polystyrene; molded polyvinyl chloride products; soft cheeses, floor coverings; restaurant services; paints and varnishes; detergents and cleaning products; cosmetics; means for decontamination; disinfectants; production²⁵; profiles galvanized and their components; glass sheets; dry building mixtures; pipes made of polyethylene and polypropylene, metal-plastic; PVC floor coverings; accessories, devices rotary, folding and turning-folding, fastening elements.</p>

Ecolabelling programs with international recognition, most widely used in Ukraine

Ecolabels	About the ecolabelling program	Most common product groups that have ecolabels
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²³As no information on the ownership of the label was provided, a search was conducted in the database of the State Register of Certificates of Ukraine of Marks to Goods and Services (<https://ukrpatent.org/en>). No information on Green Star label registration, as well as any other labels belonging to NGO "All-Ukrainian Union of Ecolabelling Green Star" was found.

²⁴<http://greenstar.org.ua/31-reyestr-dyuchih-sertifikatv-vsem-zelena-zrka.html>

²⁵It is unclear why there is a "production" among the certified products. DSTU ISO 14024 relates to Type I environmental labelling programmes, which award their environmental label to products that meet a set of predetermined requirements. And 'products' are any products or services.

 <p>Blue Angel www.blauer-engel.de</p>	<p>The program operator is the Federal Environmental Agency of Germany. The program criteria cover 104 product categories: building materials and decoration products, chemical products, electronics, toys, transportation, textiles, shoes, stationery, etc. 9098 products have been certified.</p>	<p>Detergents Laminate Office paper</p>
 <p>Ecolabel EU www.ec.europa.eu/environment/ecolabel</p>	<p>The Program Operator is the European Commission, the national accredited certification bodies are located in the countries of the European Union. The program criteria cover 23 product categories: cosmetics and detergents, paper and textile products, electronics, furniture, hotels, etc. As of 09.2019, 77 358 products (goods and services) have been certified.</p>	<p>Detergents Paints and varnishes Cosmetics Laminate Office paper</p>
 <p>Green Seal www.greenseal.org</p>	<p>The Program Operator – Green Seal Inc. (USA). The program criteria cover 28 product categories: detergents, cosmetics, paints, construction materials and decoration products, paper products, lighting products, hotels, restaurants, transportation etc. 1682 products and services have been certified.</p>	<p>Detergents</p>
 <p>The Nordic Swan www.nordic-ecolabel.org</p>	<p>The Program Operator – Nordic Council of Ministers. Independent accredited certification bodies are located in Denmark, Sweden, Finland, Norway and Iceland. The program criteria cover 61 product categories: chemical industry products (detergents, paints, adhesives, etc.), paper products, textiles, construction materials and wood products, cosmetics, household appliances, toys, hotels, restaurants, shops, public events, etc. More than 25000 products and services have been certified.</p>	<p>Paints and varnishes Cosmetics Office paper Toilet paper Baby diapers</p>
 <p>TCO Certified www.tcocertified.com</p>	<p>The program operator is TCO Development (Sweden). The program criteria cover 11 categories of IT products: displays, laptops, tablets, smart phones, desktops, all-in-one PCs, projectors, headsets, networking equipment, storage products and servers. 3126 device titles have been certified.</p>	<p>Desktops</p>

 <p>Energy Star www.energystar.gov</p>	<p>The operator of the program is the United States Environmental Protection Agency (EPA). The label shows the high energy efficiency of consumer goods. The devices on which the label is placed have an average energy consumption of 20% - 30% less than their analogues of equal functionality. The label is approved by the International Accreditation Service (IAS). The Energy Star standards cover 63 categories of equipment, as well as buildings, new buildings and apartments, buildings and factories. In 2018 were certified more than 2,800 models of equipment, more than 8,100 buildings (total - more than 34,000), 100 industrial enterprises, more than 98,000 new homes and apartments.</p>	<p>Electronics Office equipment</p>
 <p>FSC www.fsc.org</p>	<p>Program Operator - Forest Stewardship Council (FSC). Independent accredited certification bodies are located worldwide. The FSC National Office is available in Ukraine (www.ua.fsc.org).</p> <p>The program covers forestry, supply chain and controlled timber systems. In total, 204313013 ha of forests are certified in the world. There have been issued 41,082 CoC certificates and 1,684 FM / CoC certificates. The labelling means that the timber resources for a product come from responsibly managed forests, not from questionable, often illegal sources. Some of the criteria required for obtaining the FSC certificate are: conservation of valuable forests, legality of tree felling and their mandatory restoration, occupational health and safety of forestry workers, concern for the interests of people living in the immediate vicinity of forests. There are 532 certified producers and foresters in Ukraine. There are also imported products available.</p>	<p>Wood and wood products, including paper, cardboard, furniture, floor coverings, printed matter</p>
 <p>PEFC www.pefc.org</p>	<p>Program Operator - Program for the Endorsement of Forest Certification. Independent accredited certification bodies are located worldwide. Labeling ensures that timber resources for the product come from sustainably managed forests, with the highest environmental, social and ethical standards throughout the supply chain. More than 20,000 enterprises in 70</p>	<p>Wood and wood products, including paper, cardboard, furniture, floor coverings, printed matter</p>

	<p>countries are certified. There are 7 manufacturers certified in Ukraine. The imported products are also available.</p>	
<div data-bbox="284 1039 533 1167">  <p>OEKO-TEX® CONFIDENCE IN TEXTILES STANDARD 100 00000000 Institute Tested for harmful substances. www.oeko-tex.com/standard100</p> </div> <div data-bbox="284 1189 533 1317">  <p>OEKO-TEX® CONFIDENCE IN TEXTILES STeP 00000000 Institute Sustainable Textile Production. www.oeko-tex.com/step</p> </div> <div data-bbox="571 1032 715 1167"> <p>Oeko-Tex Standard www.oeko- tex.com</p> </div>	<p>Program Operator - OEKO-TEX Service GmbH (Switzerland). Independent accredited certification bodies are located worldwide. In Ukraine - OETI Ukraine (OETI representative office, Austria). The program includes standards and labels: Standard 100 by OEKO-TEX®, STeP by OEKO-TEX®, Made in green by OEKO-TEX®, Leather Standard by OEKO-TEX®, Detox to zero by OEKO-TEX®, Eco Passport by OEKO-TEX®.</p> <p>In Ukraine, 17 manufacturers have Standard 100 by OEKO-TEX® certificates and 1 manufacturer - STeP by OEKO-TEX® certification. The imported products are also available. Standard 100 by OEKO-TEX® ensures that the textile product (each component, accessory) is checked for harmful substances and its safety is confirmed. The tests take into account numerous controlled and unregulated substances that can be harmful to human health. In many cases, the limit values of Standard 100 fall outside national and international requirements.</p> <p>STeP by OEKO-TEX® stands for Sustainable Textile and Leather Production and is a modular certification of production capacity in the textile and leather industries. The aim of STeP is to implement environmentally friendly production processes in the long run, improve health and safety and promote socially responsible working conditions at production sites. The target groups for STeP certification are textile and leather manufacturers, as well as trademarks and retailers. STeP differs from other certification systems in that instead of considering only certain aspects of sustainability, it involves a comprehensive analysis and evaluation of production conditions. STeP analyzes all important areas of the company with 6 modules: chemical management, environmental performance, environmental management, social responsibility, quality management, health</p>	<p>Textile and leather products</p>

	<p>and safety at work. The purpose of STePcertification is the long-term implementation of environmentally friendly production processes, social working conditions and optimal health and safety.</p>
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2. Type II Ecolabeling indicates in the form of an application or a graphic a specific environmental characteristic. Such characteristics, depending on the item being purchased, may be useful for operation, maintenance, repair or disposal.

The labels belonging to this group do not share some of the usual characteristics of environmental labels, the main difference being that they are not awarded by an independent authority. These labels are developed internally by companies, and they can take the form of a declaration, a logo, a commercial, etc. referring to one of the company products.

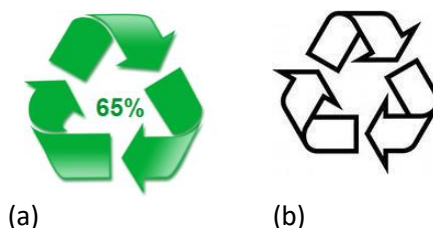
Consumers and procurement practitioners are increasingly attentive to the environmental impact of what they purchase. For this reason, providing information on the environmental performance of products and services is becoming a commercially interesting option for many firms. When a company voluntarily makes a self-declaration that:

- Refers to an environmental aspect of a product, to a component of the product or to its packaging;
- Is made on the product, on product packaging, in product literature or in the advertisement this is called an environmental claim or green claim.

This kind of producer declaration can provide useful information for procurers and requisitioners, but not always are green claims as accurate and true as they should be. If the information conveyed in claims is vague, misleading or inaccurate, the consequence can be loss of trust in claims and labels in general.

The requirements for environmental self-declarations, including statements, symbols or images relating to products are indicated in DSTU ISO 14021²⁶. This standard specifies requirements for self-declared environmental claims, including statements, symbols and graphics, regarding products. Including, e.g. “compostable”, “degradable”, “designed for disassembly”, “recyclable”, “recycled content”, “reduced energy consumption”, “reduced resource use”, “reduced water consumption”, “reusable”, “refillable”, “waste reduction”. In addition, it prohibits non-specific statements, such as “environmentally friendly”, “green”, or “emission-free”.

The most common graphic image of type II ecolabeling is the Mobius Loop in Ukraine. This label can be applied to non-food products, their components and any packaging. The Mobius Loop should only be used for statements (a) "recyclable content" (shaded) and (b) "recyclable" (transparent). In the case of the Mobius Loop, the content of recycled material should be indicated as a percentage of the content of the recycled material.



²⁶DSTU ISO 14021: 2016 Environmental labels and declarations — Self-declared environmental claims (Type II environmental labelling) (ISO 14021: 2016, IDT)

The examples of self-declarations that are increasingly used are: "compostable", "decomposable", and the like.

Most often, such declarations are applied to packages that are called "bio packages" by retailers, which is misleading to consumers, because these are oxo-biodegradable packages that contain 99% conventional polyethylene and 1% oxo-biodegradable substance²⁷. The decay of such packets occurs only under the condition of oxygen access. If a package gets dumped into a waste pile, nothing happens to it. If the package breaks down, it forms millions of microscopic particles of plastic. These particles of plastic remain in soil and water forever. Together with water and food, microplastics enter the human body. The products of Ukrainian manufacturers are also available on the market. In particular, products is certified by the TÜV Austria²⁸ Certified European Bioplastics Certification Authority and has the label OK Compost HOME, OK compost INDUSTRIAL (LLC Novis TB - garbage packages and roll-up t-shirt bags made of corn starch and PJSC Ukrplast (IMMER GROUP)²⁹ - corn starch packaging materials also suitable for use in the following areas: bulk confectionery packing, individual packing for cereals, breakfast cereals, vegetables and fruits; packing for mass-market stores), OK biodegradable SOI³⁰ (PJSC Ukrplastik - mulching film for application in the gardening, horticultural and agricultural fields).

OK Compost HOME³¹



OK compost INDUSTRIAL³²



OK biodegradable SOIL³³



3. Type III Environmental Declarations consist in qualified product information based on life cycle impacts. Environmental parameters are fixed by a qualified third party, then companies compile environmental information into the reporting format and these data are independently verified. The environmental impacts are expressed in a way that makes it very easy to compare different products and sets of parameters, for example for public procurement purposes. Type III labels do not assess or weight the environmental performance of the products they describe. This type of environmental labels only shows the objective data, and their evaluation is left to the buyer.

The main tasks of type III environmental declarations are:

- a) Providing information derived from the assessment of the product life cycle, as well as additional information on environmental aspects of the product;
- b) Assisting buyers and users in comparing products; however, these declarations are not comparative statements;
- c) Promoting the improvement of the environmental performance of products;
- d) Providing information to evaluate the environmental impacts of the product over its life cycle.

²⁷Oxo-degradable impurities are metal-based additives that are added to polymeric materials to accelerate their decomposition under the action of oxygen and ultraviolet into small fragments (microplastics) over a period of time.

²⁸<http://www.tuv-at.be/green-marks/>

²⁹<http://www.ukrplastic.com/en/>

³⁰<http://www.tuv-at.be/green-marks/>

³¹The label confirms biodegradation under conditions of garden ("home") composting.

³²The label confirms the biodegradation of industrial composting. It conforms to EN 13432: 2000 and Directive 94/62 / EC of the European Parliament and of the Council on packaging and packaging waste

³³The label ensures that the product is completely decomposed into the soil without adversely affecting the environment.

The declaration is developed for each type of product individually and approved by a competent third party (conformity assessment body) in accordance with DSTU ISO 14025³⁴.

Type III environmental declarations include:

- **PD declarations**³⁵. There are products that have EPD on the Ukrainian market: products of thermal insulation TM ISOVER³⁶ (manufacturer: concern "Saint-Goben"), window and door accessories TM Roto³⁷ (producer: Roto Frank AG), paints and heat-insulating materials TM Marco³⁸ (manufacturer: San Marco ColorificioS.p.A);
- **'Carbon footprint'**³⁹ is relatively new to Ukraine. In Ukraine, the climate change regulatory framework is just beginning to emerge. In 2016, the Concept of Implementation of the State Policy on Climate Change for the Period up to 2030⁴⁰ was approved, in 2018 - the Strategy of Low Carbon Development of Ukraine until 2050⁴¹. The Law of Ukraine "On principles of monitoring, reporting and verification of greenhouse gas emissions"⁴² will come into force on 01.01.2021. The following standards have been adopted: DSTU ISO 14064-1: 2015⁴³, DSTU ISO 14064-2: 2015⁴⁴, DSTU ISO 14064-3: 2015⁴⁵, DSTU ISO 14065: 2015⁴⁶. A DSTU ISO 14067⁴⁷ draft has been developed that sets out the principles, requirements and guidelines for quantifying and reporting the carbon footprint of a product in accordance with international life cycle assessment standards (ISO 14040 and ISO 14044).

³⁴DSTU ISO 14025: 2008 Environmental labels and declarations. Type III environmental declarations. Principles and procedures (ISO 14025: 2006, IDT)

³⁵An Environmental Product Declaration or EPD is a document that contains the results of an assessment of the life cycle of a product, material or product. EPD provides the manufacturer with an opportunity to estimate the resource intensity, environmental impacts and life cycle cost of an in-house production on the basis of standardized research data. You can get EPD for products of any category. The most popular is the EPD design procedure for building materials and decoration products. This is because the use of EPD data is necessary when assessing the life cycle of buildings or structures in accordance with ISO 21930: 2017 Sustainability in buildings and civil engineering works. Core rules for environmental product declarations of construction products and services or EN 15804 Sustainability of construction works. Environmental product declarations. Core rules for the product category of construction products. In Ukraine, in addition, adopted DSTU EN 16908: 2019 Cement and building lime. Environmental product declarations. Product category rules complementary to EN 15804 (EN 16908: 2017, IDT).

³⁶https://www.isover.ua/documentation?f%5B0%5D=field_document_tr_category%3A626

³⁷<https://ftt.roto-frank.com/en/company/ehkologicheskie-deklaracii/>

³⁸<https://san-marco.in.ua/>

³⁹The Carbon footprint reflects the amount of greenhouse gases released during the production, use and disposal of products and services that affect the climate. The production stage covers all the processes - from the extraction of raw materials to the entry of goods on the store shelf (after the sale of the goods its packaging falls into the waste category and the process of their disposal must also be taken into account). The carbon labeling concept was proposed in 2007 in the UK, where it was first described in the Carbon Trust (www.carbontrust.com) and agreed with the British Standards Institute.

⁴⁰<https://zakon.rada.gov.ua/laws/show/932-2016-%D1%80>

⁴¹https://menr.gov.ua/files/docs/Proekt/LEDS_ua_last.pdf

⁴²<https://zakon.rada.gov.ua/laws/show/377-20>

⁴³DSTU ISO 14064-1: 2015 Greenhouse gases. Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals (ISO 14064-1: 2006, IDT)

⁴⁴DSTU ISO 14064-2: 2015 Greenhouse gases. Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements (ISO 14064-2: 2006, IDT)

⁴⁵DSTU ISO 14064-3: 2015 Greenhouse gases. Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions (ISO 14064-3: 2006, IDT)

⁴⁶DSTU ISO 14065: 2015 Greenhouse gases. Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition (ISO 14065: 2013, IDT)

⁴⁷DSTU ISO 14067 Greenhouse gases. Carbon footprint of the product. Requirements and guidelines for quantification (ISO 14067: 2018, MOD)

Since 2019, the implementation of Directive 1999/94/EC⁴⁸ in the framework of the implementation of the Association Agreement, the Paris Agreement and the Global Initiative to Support Countries in the Transition to Electricity (E-Mobility Program) has begun.

Considering the novelty for the Ukrainian market of carbon labelling there are products of imported production available with this type of labelling.

- **Water Footprint**⁴⁹ is also a new concept for Ukraine. Only DSTU ISO 14046: 2018⁵⁰ and DSTU ISO / TR 14073: 2018⁵¹ are effective from 01.01.2020. Only imported products with this type of labelling are available, for example, washing machines.



4. Greenwashing practices

Among many correct environmental labels (declarations), the market is full of product declarations that have no meaning, are misleading or deceitful, declarations that were not verified by an external source.

Greenwashing is the act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service.

The practice of greenwashing distorts the choice of consumers who want to buy green products but end up with products that don't deliver the benefits they promise. It also creates confusion in the market and undermines the effectiveness of true claims and labels, taking away their market share.

During 2016 - 2019, public monitoring of the Ukrainian market of "green" products was actively carried out in order to reveal the facts of greenwashing.

In particular, during 2016 - 2017, an expert commission was functioning at the Committee of the Public Council on Technical Regulation and Consumer Protection of the Public Council of the Ministry of Economic Development of Ukraine consisting of the representatives of the public organizations⁵³

⁴⁸Directive 1999/94 / EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars. The Directive regulates the rules for labelling new cars with fuel economy and CO₂ emission signs and sets the requirements for information on fuel consumption and CO₂ emissions, which are contained in information and advertising materials.

⁴⁹Water Footprint reflects the amount of water consumed in the production of various goods or services (www.waterfootprint.org)

⁵⁰DSTU ISO 14046: 2018 Environmental management. Water Footprint. Principles, requirements and guidelines (ISO 14046: 2014, IDT)

⁵¹DSTU ISO / TR 14073: 2018 Environmental management. Water Footprint. Illustrative examples on how to apply ISO 14046 (ISO / TR 14073: 2017, IDT)

⁵²UL Certification Program, <https://www.ul.com/resources/water-footprint-certification-program>

⁵³NGO Living Planet, Union of Citizens' Associations All-Ukrainian Federation of Consumers PULSE, Kyiv City Organization of Healthcare Employers, Consumers Association of Ukraine, International Association of Conformity Assessment Bodies, Association of Advocates of Ukraine, Glorious Life NGO, the Union of Consumers of Ukraine, Association Perfumery and Cosmetics of Ukraine.

The Commission identified 50 business entities that used advertising content approval and product labeling that indicated its environmental performance or preference or organic origin (e.g., "environmentally friendly", "natural", "bio", "eco", "organic"), without the availability of information to confirm such claims. The most widespread use of unsubstantiated environmental and organic labeling has been established by manufacturers / importers in such fields as: chemical (detergents and cosmetics), construction, food, and other (fertilizers, plastic windows, frying pans). The information on such manufacturers was transmitted to the AMCU and posted on the consumer portal⁵⁴.

In 2019, at the initiative of the Public Council at the Ministry of Environment, an independent expert commission on public monitoring and control of the use by economic entities of statements and labelling on environmental characteristics or benefits of products⁵⁵ was established. The commission included the representatives of 8 expert organizations⁵⁶ on consumer protection, legal protection and environmental orientation. According to experts, about 70% of goods declared as environmental, organic, natural, "green" or "for children" do not have any reason to use such claims.

In turn, at the state level, the AMCU initiated a study on the business entities that violate the law on protection against unfair competition by using the designations eco, eco-friendly, organic, and more. More than 200 business entities that used dubious eco-labels were provided with mandatory recommendations to stop the activities containing signs of violation of the law on protection against unfair competition (for example, such recommendations were provided for the labels and inscription "organic"^{57 58 59 60 61 62}, and for the use "eco" during advertising and promotion^{63 64 65}, etc.). The study is currently ongoing.



CONCLUSIONS AND RECOMMENDATIONS

1. In Ukraine, there are products of domestic and imported production that have ecolabels type I, II, III, and other programs.

The most common and easiest to apply for procurement (setting requirements for goods and supporting documents, checking compliance) is type I ecolabels in accordance with DSTU ISO 14024.

The use of type II and III ecolabels (declarations) is difficult to apply for procurement. Because the procurers have insufficient understanding of DSTU ISO 14021 and DSTU ISO14025, understand in which cases and for which product categories certain labels may be applied, in order to determine

⁵⁴<http://www.gpp.in.ua/>

⁵⁵<http://www.zhiva-planeta.org.ua/novuny/494-new.html>

⁵⁶Consumer Trust NGO, Public Consumer Protection Control NGO, Union of Consumers of Ukraine, Center for Industrial Ecology, NGO Center for Contemporary Innovation, NGO Association of Independent Environmental Auditors, NGO Living Planet, Institute for Environmental Management and Effective Environmental Management, Redcliffe Partners

⁵⁷<http://www.amc.gov.ua/amku/doccatalog/document?id=149113&schema=main>

⁵⁸<http://www.amc.gov.ua/amku/doccatalog/document?id=149112&schema=main>

⁵⁹<http://www.amc.gov.ua/amku/doccatalog/document?id=149111&schema=main>

⁶⁰<http://www.amc.gov.ua/amku/doccatalog/document?id=149110&schema=main>

⁶¹<http://www.amc.gov.ua/amku/doccatalog/document?id=149117&schema=main>

⁶²<http://www.amc.gov.ua/amku/doccatalog/document?id=149116&schema=main>

⁶³<http://www.amc.gov.ua/amku/doccatalog/document?id=149144&schema=main>

⁶⁴<http://www.amc.gov.ua/amku/doccatalog/document?id=149130&schema=main>

⁶⁵<http://www.amc.gov.ua/amku/doccatalog/document?id=149126&schema=main>

the correct ones. The complexity of using Type III environmental declarations is also linked to the lack of applicability and the need for the data analyzed in the declaration to be analyzed. However, this type of declaration can be used to perform a comparative analysis of products and to select the necessary characteristics when drawing up the technical specifications.

2. Among the ecolabels, it is quite common to find self-declarations that do not have validation and verification against a standard methodology to assess products impact on the environment (false labels, greenwashing). This may be due to an insufficient level of awareness of both producers and consumers and public authorities.

It should be noted that the level of environmental awareness of consumers today is increasing. Consumers are more conscious of choosing products and services, increasingly paying attention to ecolabels. This is evidenced by the results of a marketing survey conducted in January - February 2020 in Kyiv retail (shops and supermarkets):

- When choosing products, respondents pay the most attention to price information - 71% (177 people), composition and labeling information - 55% (138 people), promotional offers - 45% (113 people), advertising information - 38% (95 people));
- The most popular criteria for product selection are: recommendations from acquaintances - 59% (148 persons), references to DSTU - 46% (116 persons), availability of labels indicating the environmental friendliness of products - 37% (92 persons), expert information - 32% (80 persons);
- 32% respondents are ready to pay more for products marked with ecolabel "Green Crane", that more than for national conformity mark (29%).

More information about this study and its results are given in Annex B.

3. In order to ensure the proper competence of the customer responsible for organizing and conducting the procurement, including preparation of the tender documentation, as well as raising awareness of manufacturers, consumers and representatives of public authorities, that exercise control over public procurement (AMCU, Accounting Chamber, State Audit Service of Ukraine), should receive relevant training in the field of SSP. More detail found in the Analytical report on progress of implementation of sustainable public procurement in Ukraine in 2017-2019.

II. ECOLABELLING PRACTICES IN PUBLIC PROCUREMENT

Currently, Ukraine has a practice when procurers including in the tender documentation such requirements as:

- a) product compliance of environmental criteria for life cycle assessment in accordance with DSTU ISO 14024, and providing the copies environmental certificate in accordance with DSTU ISO 14024 as a supporting document;
- b) compliance with other environmental standards (for example, ensuring the need to apply environmental protection measures to the procurement subject).

Detergents and cosmetics⁶⁶

In the technical requirements for product quality certification, there is a requirement to provide:

⁶⁶Procurement №UA-2020-01-29-000288-a (toilet soap and household soap) <https://prozorro.gov.ua/tender/UA-2020-01-29-000288-a>; UA-2020-01-31-000119-b (detergents) <https://prozorro.gov.ua/tender/UA-2020-01-31-000119-b>; UA-2020-02-14-001420-c (detergents) <https://prozorro.gov.ua/tender/UA-2020-02-14-001420-c>; UA-2019-11-15-000959-a <https://prozorro.gov.ua/tender/UA-2019-11-15-000959-a>; UA-2019-11-14-003188-b <https://prozorro.gov.ua/tender/UA-2019-11-14-003188-b>, etc.

"Certificate (s) of conformity attesting that the products meet the environmental criteria developed in accordance with DSTU ISO 14024: 2002" or more specifically:

"Copies of the certificate of conformity of the proposed product to the environmental criteria for life cycle assessment (eco-certificate) developed in accordance with the international standard ISO 14024: 1999, IDT (DSTU ISO 14024: 2002) issued by the conformity assessment body accredited by NAAU. In the absence of accreditation certificate in the accreditation body, the results of the peer conformity assessment of the conformity assessment body shall be attached to the certificate of conformity, confirming its compliance with all requirements of DSTU EN ISO / IEC 17065 and with the requirements of DSTU ISO 14024, as well as technical capability of the conformity assessment body to conduct relevant studies and to issue on the basis of their results a certificate of compliance with environmental criteria for life cycle assessment (eco-certificate)".

Paints and varnishes⁶⁷

There is a requirement to provide a certificate of conformity of the proposed products with the environmental criteria for products developed in accordance with DSTU ISO 14024: 2002.

Pipes (water, sewer)⁶⁸

In total, there were about 30 tenders in which the requirement of the certificate in accordance with DSTU ISO 14024 was applied.

In the technical requirements:

"A document to confirm the conformity of ecological characteristics of pipes to ecological criteria of Eco-labelling type I according to DSTU ISO 14024: 2002 for products made of polymeric materials" or submission of "the certificate of conformity to requirements of DSTU ISO 14024: 2002 for pipes of polypropylene, issued by the relevant authorized body valid for the entire period of delivery of products".

Fruit and vegetable juices⁶⁹

There is a requirement for the certification of environmental certification and product labelling DSTU ISO 14024: 2002 (ISO 14024: 1999, IDT)

Glass⁷⁰

The technical specifications have a requirement to provide a copy of the certificate of compliance with the requirements of environmental criteria, developed in accordance with DSTU ISO 14024.

Textile products⁷¹

The products require compliance with Oeko-TexStandart 100 eco-friendly textile standard.

Paper products⁷²

⁶⁷Procurement №UA-2019-12-05-000997-c <https://prozorro.gov.ua/tender/UA-2019-12-05-000997-c>; UA-2019-10-09-001217-b, <https://prozorro.gov.ua/tender/UA-2019-10-09-001217-b>, No.UA-2019-06-24-000395-b <https://prozorro.gov.ua/tender/UA-2019-06-24-000395-b> etc.

⁶⁸Procurement №UA-2020-01-23-000168-a <https://prozorro.gov.ua/tender/UA-2020-01-23-000168-a>; UA-2019-02-13-001787-a <https://prozorro.gov.ua/tender/UA-2019-02-13-001787-a>; №UA-2019-10-23-002378-b <https://prozorro.gov.ua/tender/UA-2019-10-23-002378-b>, etc.

⁶⁹Procurement №UA-2020-01-03-000555-a <https://prozorro.gov.ua/tender/UA-2020-01-03-000555-a>

⁷⁰Procurement №UA-2019-08-29-001254-a <https://prozorro.gov.ua/tender/UA-2019-08-29-001254-a>

⁷¹Procurement №UA-2019-12-27-001892-b (special work wear) <https://prozorro.gov.ua/tender/UA-2019-12-27-001892-b>; UA-2019-10-25-000611-c (bedding) <https://prozorro.gov.ua/tender/UA-2019-10-25-000611-c>; UA-2019-11-12-003785-b (bedding) <https://prozorro.gov.ua/tender/UA-2019-11-12-003785-b>; UA-2019-11-28-000818-c (home textile) <https://prozorro.gov.ua/tender/UA-2019-11-28-000818-c>, etc

⁷²Procurement №UA-2019-10-24-001895-c (office paper) <https://prozorro.gov.ua/tender/UA-2019-10-24-001895-c>

The tender documentation requires the submission of a photo of the product or packaging with any ecolabel.

Services for the maintenance of administrative premises⁷³

The requirements for the subject of the procurement state that: *“Dry building mixtures, paints and varnishes must meet the requirements of environmental criteria for this product category, established in accordance with DSTU ISO 14024. To confirm the requirement, the bidder shall provide a copy of the certificate of conformity of the dry construction paints and varnishes in accordance with DSTU ISO 14024 and a copy of the accreditation certificate of the conformity assessment body (Ecolabelling body) that issued the certificate.”*

It is quite common to challenge the inclusion of certification requirements in accordance with DSTU ISO 14024. However, we have ambiguous practice of the Permanent Administrative Board of the Antimonopoly Committee of Ukraine to handle complaints about violation of public procurement legislation in the presence of requirements for compliance with environmental requirements in the tender documentation assessing the life cycle in accordance with DSTU ISO 14024 and providing as a supporting document a copy of the environmental certificate in accordance with DSTU ISO 14024 issued by the accredited assessment body (providing to take environmental protection measures to the subject of purchase). In some cases, it was decided to discriminate against such a requirement and not to require national accreditation for conformity assessment bodies (procurement № UA-2019-09-09-000479-b⁷⁴). In other cases, a decision was made on the need for national accreditation for conformity assessment bodies (procurement № UA-2019-08-29-001254-a⁷⁵).

We also have a practice where the customer includes a requirement to provide a copy of DSTU ISO 14024 certificate in the tender documentation for the procurement of chlorine-containing disinfectant (procurement № UA-2019-07-24-000564-b⁷⁶). Despite the inability of such products to have a certificate in accordance with DSTU ISO 14024, based on the impact of chlorine on the environment and human health, one of the bidders was awarded a certificate of compliance with the environmental criteria for products developed in accordance with DSTU ISO 14024. Such a certificate was issued by a body that does not have national accreditation.



CONCLUSIONS AND RECOMMENDATIONS

The analyzed practice of the use of ecolabels in public procurement indicates the following:

- a) Lack of awareness of the officials of the procurers about the requirements of DSTU ISO 14024; and
- b) Misunderstanding of what products can have confirmed environmental benefits in accordance with DSTU ISO 14024.

In order to raise awareness, appropriate SSP training measures should be implemented, as indicated in the Analytical report on progress of implementation of sustainable public procurement in Ukraine in 2017-2019.

III. THE GROUNDS THAT PROMOTE THE DEVELOPMENT AND CREATE THE BARRIERS TO THE USE OF ECO-LABELS IN PUBLIC PROCUREMENT

⁷³Procurement № UA-2020-02-26-001418-c <https://prozorro.gov.ua/tender/UA-2020-02-26-001418-c>

⁷⁴<https://prozorro.gov.ua/tender/UA-2019-09-09-000479-b>

⁷⁵<https://prozorro.gov.ua/tender/UA-2019-08-29-001254-a>

⁷⁶<https://prozorro.gov.ua/tender/UA-2019-07-24-000564-b>

The potential for the further development of the use of ecolabeling and its introduction to public procurement is significantly exacerbated by changes in national legislation that occurred in the period 2017-2020, which are described in the Analytical report on progress of implementation of sustainable public procurement in Ukraine in 2017-2019. The following should be noted separately.

Of particular importance is the new version of the Law of Ukraine "On Public Procurement"⁷⁷, valid from 19.04.2020. According to the Law, when establishing environmental or other characteristics of a product, work or service, the contracting authority must state in the tender documentation which labels, test reports or certificates can confirm the conformity of the subject of procurement to such characteristics. In doing so, labels, test reports and certificates must be issued by conformity assessment bodies whose competence is confirmed by accreditation or by other means specified by law.

Also, among the important normative documents contributing to the development of sustainable public procurement in Ukraine is DSTU ISO 20400⁷⁸, which was adopted in 2018. This standard provides the organizations with an understanding of the following:

- Sustainable public procurement;
- Impacts and considerations on sustainability related to different aspects of procurement activities:
- Politics;
- Strategy;
- Organization;
- Process;
- How to implement sustainable procurement.

In particular, the Technical Regulation on the Establishment of a System for Determining the Requirements for Eco-design of Energy Consumable Products⁷⁹, approved by the Cabinet of Ministers of Ukraine Decree №804 of 03.10.2018, the products for which the right to use ecolabels is granted by the Technical Regulation on eco-labeling, presumption of compliance with the requirements to eco-design is granted.

The barriers to the use of eco-labelling in public procurement and the ways to overcome them

Taking into account the results of this study and the results of consultations and surveys conducted by the Living Planet in 2017-2019 with the procurers, the following barriers to the use of eco-labels in public procurement and ways of overcoming them could be identified.

1. Lack of definition of environmental goods and services and statistical reporting in the environmental goods and services sector.

The environmental goods and services sector (EGSS) is an integral part of European statistical reporting in accordance with EU Regulation №691/2011 Regulation (EU) No 691/2011 of the European Parliament and of the Council of 6 July 2011 on European environmental economic accounts⁸⁰ and includes the information on such indicators as market output and employment in EGSS, national protection costs on environment and energy use in a detailed view of the NACE classification.

⁷⁷<https://zakon.rada.gov.ua/laws/show/114-20>

⁷⁸DSTU ISO 20400: 2018 Sustainable Procurement. Guidelines (ISO 20400: 2017, IDT) (valid until 01/01/2022) and DSTU ISO 20400: 2019 Sustainable Procurement. Guidelines (ISO 20400: 2017, IDT) (will come into effect 01/01/2022)

⁷⁹<https://zakon.rada.gov.ua/laws/show/804-2018-%D0%BF>

⁸⁰<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02011R0691-20140616>

According to EU Regulation No 691/2011, the term "environmental goods and services sector" means the productive activity of a national economy that produces environmental goods and services. Eco-friendly products are the products that are made for the purpose of environmental protection and efficient resource management.

Resource management involves the protection, maintenance and increase of natural resources, and therefore the protection of these resources from depletion. Environmental products and services fall into the following categories: specific environmental services, eco-friendly single purpose (related products), tailored products and environmental technologies.

The statistics on environmental goods and services are obtained by the following characteristics:

- Market output;
- Export;
- Added value from market activities;
- Employment in market activities.

The National Statistics Development Program⁸¹ doesn't provide for the implementation of Regulation (EU) No 691/2011 of the European Parliament and of the Council of 6 July 2011 regarding reporting in the sector of environmental goods and services. The Program provide for the implementation only in terms of the calculation of atmospheric emissions and the cost of environmental protection.

2. Restriction of the right to place ecolabels on products if such products were obtained as a result of organic production in accordance with the Law of Ukraine "On basic principles and requirements for organic production, circulation and labeling of organic products"⁸².

In particular, part 8 of Art. 34 of the Law stipulates that economic entities are only allowed to place ecolabels on products if such products were obtained as a result of organic production. The introduction of such a restriction on the use of ecolabelling may be regarded as an unjustified restriction on the right of producers whose products meet the environmental criteria to obtain ecolabelling in order to confirm the improved environmental benefits of the products (especially given that the organic raw materials market is not sufficiently developed to provide producers with sufficient supply.) It may cause unlawful restriction of competition, which is a violation of the Constitution of Ukraine, the Economic Code of Ukraine, Law of Ukraine "On Protection of Economic Competition".

3. Most procurers have doubts about the following:
 - a) The inclusion of the requirement for a certificate in accordance with DSTU ISO 14024 because of the potential contestation of the terms of the documentation or the results of the procurement by participants and the risk of cancellation of bidding;
 - b) Correct wording of the requirements of the tender documentation;
 - c) Willingness to further uphold its decision when passing compliance with public procurement law.
4. Insufficient awareness of product manufacturers, suppliers, service providers and contractors on the basic principles, methods and best practices for the use of ecolabels and the correct use of ecolabels.

⁸¹The National Statistics Development Program until 2023, approved by the Cabinet of Ministers of Ukraine Decree № 222 of 27.02.2019, <https://zakon.rada.gov.ua/laws/show/222-2019-%D0%BF>

⁸²<https://zakon.rada.gov.ua/laws/show/2496-19>



CONCLUSIONS AND RECOMMENDATIONS

In order to remove the barriers to the use of ecolabels in public procurement, it is necessary to ensure:

1. The development and adoption of the draft Law on Amendments to the Laws of Ukraine on the Development of the Market for Environmental Goods, Services and Technologies.
2. The introduction in Ukraine of statistical reporting in the environmental goods and services sector by:
 - a) Amendments to the National Statistics Development Program by 2023 on the implementation of EU Regulation No 691/2011 in the sector of environmental goods and services;
 - b) Approval of the relevant Methodological provisions for reporting taking into account Eurostat guidelines⁸³;
 - c) Compilation and collection of statistical reports.

This will also correspond to Articles 356, 357 of the Association Agreement on the gradual harmonization of the Ukrainian statistical system with the European Statistical System (ESS) and cooperation in the field of environmental statistics.

3. Amendments to Technical Regulation by on the establishment of a system for defining the eco-design requirements for energy products in replacing the reference to the Ecolabelling Technical Regulation, in connection with its repeal, to the reference to the eco-labeling programs in accordance with DSTU ISO 14024.
4. The harmonization of environmental criteria for textile products with Oeko-Tex Standard, environmental criteria for wood and paper products with FSC standards, environmental criteria for energy products.
5. The development and implementation of trainings aimed at enhancing the competence of procurers' representatives and manufacturers / service providers on the importance of ecolabels, their types, conditions of use and documents confirming compliance with environmental criteria. More details on such measures can be found in the recommendations of the Analytical report on progress of implementation of sustainable public procurement in Ukraine in 2017-2019.

IV. THE RECOMMENDATIONS ON THE NEXT STEPS IN THE FRAMEWORK OF EU4ENVIRONMENT PROJECT

Given the findings of the Analytical report, its conclusions, recommendations and explanations described above, in the framework of the EU4Environment component "Circular economy and new growth opportunities", support in the development and implementation of SPP policy and the single market for

⁸³Environmental goods and services sector accounts – Handbook 2016 edition <https://ec.europa.eu/eurostat/en/web/products-manuals-and-guidelines/-/KS-GQ-16-008>

Environmental goods and services sector accounts – Practical guide – 2016 edition <https://ec.europa.eu/eurostat/en/web/products-manuals-and-guidelines/-/KS-GQ-16-011>

Handbook on Environmental Goods and Services Sector <https://ec.europa.eu/eurostat/en/web/products-manuals-and-guidelines/-/KS-RA-09-012>

green products, we suggest the following activities aimed at strengthening the capacity for the use of eco-labeling and the development of the single market for green products.

No	Activity	Terms, working days	EU4Environment compliance
Improving legislation and introducing statistical reporting			
1	The development of the draft Law of Ukraine on Amendments to the Laws of Ukraine on the Development of the Market of Ecological Goods, Services and Technologies	20	<p>Activity 2.3.1: Conduct assessments and develop policies for SPP and eco-labelling systems</p> <p>Conduct national SPP assessment of the policy, legal, regulatory and institutional gaps for inserting sustainability objectives in the procurement process.</p> <p>Assist selected beneficiary countries to review or develop new SPP policies, laws and regulations, manuals and guidelines for sustainability criteria for priority product groups to implement SPP and eco-labelling.</p>
2	Amendments to the Program for the Development of State Statistics until 2023, approved by the resolution of the Cabinet of Ministers of Ukraine dated 27.02.2019 № 222, on the implementation of EU Regulation № 691/2011 in the part concerning the sector of environmental goods and services	10	
3	The development of the State Classifier "Environmental goods, services and technologies".	20	
4	The development of Methodological provisions for reporting on environmental goods, services and technologies.	20	
5	The development and updating of an electronic directory of environmental goods, services and technologies.	30	
Integration of environmental performance requirements between eco-labeling programs			
1	Update and revision of the ecological criteria of the Ukrainian ecolabelling type I program "Green Crane" taking into account the requirements of SPP criteria, as well as:	30	<p>Activity 2.2.1.1: Conduct assessment of existing eco-labelling systems, jointly with UNIDO</p> <p>Activity 2.3.1: Conduct assessments and develop policies for SPP and eco-labelling systems</p> <p>Assist selected beneficiary countries to establish and implement eco-labelling systems by harmonization with existing programmes</p>
	a) taking into account the environmental criteria of leading European programs ⁸⁴ and Common Core Criteria Global Ecolabelling Network ⁸⁵ ;		
	b) reference to environmental characteristics in accordance with DSTU ISO 14021;		
	c) reference to compliance with FSC ⁸⁶ , OEKO-TEX Standard ⁸⁷ ;		
	d) taking into account the requirements of the Technical Regulations on Eco-design ⁸⁸ .		
2	The development of amendments to the Technical Regulation on the establishment of a system for	5	

⁸⁴ Ecolabel.EU, Nordic Ecolabel (The Nordic Swan), Blue Angel.

⁸⁵<https://globalecolabelling.net/eco/common-core-environmental-criteria/>

⁸⁶For timber and paper products

⁸⁷For textile and textile products

⁸⁸For energy consuming products

	determining the requirements for eco-design of energy consumer products on the presumption of conformity with reference to conformity certificates issued by an accredited ecolabeling body in accordance with DSTU ISO 14024.		(GENICES protocol or equivalent protocol designed to enhance credibility of the eco-labelling programme and cooperation or mutual recognition with other eco-labelling schemes) through provision of advisory service and development of roadmaps.
3	The development of a draft Standard 'Sustainable Construction'. Criteria and methods for life cycle assessment.	20	
Information and educational activities			
1	The translation into Ukrainian (with national supplement) of the manual Guidelines for Providing Product Sustainability Information ⁸⁹	15	Activity 2.3.2: Capacity development of business sectors to respond public tenders and access to eco-labelling Disseminate information on SPP and eco-labelling to business and stakeholders raise their awareness on their benefits
2	The development of Guidelines for the application of eco-labeling of different types for:	15	
	a) customers, in particular in the field of public procurement;		
	b) consumers;		
	c) retailers		
3	Conducting a training webinar for retailers	5	
4	The development of a Press Kit for the media	10	
5	Conducting a training webinar for journalists and other interested organizations in the field of communications	5	
6	Holding an annual All-Ukrainian competition for journalists to cover ecolabeling	10	
7	The translation into Ukrainian (with national supplement) of the Guide to Consumer Information Tools on Climate Change - Promoting Low Carbon Choices in Tourism, Construction and Food Systems ⁹⁰	20	
8	The development and production of videos on the importance of type I eco-labeling in relation to the following product categories:	35	
	1) furniture and timber products;		
	2) plastic products;		
	3) cosmetics;		
	4) building materials;		
	5) temporary accommodation services ⁹¹		
9	The development and creation of an electronic service for green space with a reference to eco-labels (classrooms, offices, libraries, apartments, hotels, etc.)	30	
10	The development of visual information materials on the importance of eco-labels for educational and cultural institutions	30	

⁸⁹<https://www.oneplanetnetwork.org/resource/guidelines-providing-product-sustainability-information>

⁹⁰<https://www.oneplanetnetwork.org/resource/consumer-information-tools-and-climate-change>

⁹¹Certification facilities: hotels, campsites and other temporary accommodation facilities

13	The development and support of the annual "Ecolabeling Lesson" ⁹²	15	
14	Holding the annual All-Ukrainian competition among teachers "The Best Lesson on Ecolabeling"	10	
15	The creation and organization of the exposition "SHOWROOM of eco goods marked with eco-labels" ⁹³	30	

⁹²Provides for the development of methodological and educational materials dedicated to the celebration of World Eco-Labeling Day. The developed materials should be marked "Recommended by the Ministry of Education and Science" and implemented in all schools through the National Electronic Educational Platform.

⁹³<https://ec.europa.eu/environment/ecolabel/news.html>

ANNEX A. QUESTIONNAIRE FOR ECOLABELLING BODIES

1. General information about the organization operating the Type I ecolabelling program:

Name of the organization
Location of the organization
Website
E-mail
Chief Executive Officer

2. General information on the conformity assessment body with the environmental criteria (certification body):

Name
Location
Website
E-mail
Chief Executive Officer

3. Data on the ecolabelling program:

- 3.1. From what year does the program operate?
- 3.2. Provide a list of standards for establishing ecological criteria for the products introduced in the program (can be added as an annex to the Questionnaire)
- 3.3. What are the steps in developing and implementing the environmental criteria? Who is the developer of the environmental criteria?
- 3.4. What is the validity period of the environmental criteria?
- 3.5. How are stakeholders consulted when selecting and analyzing product categories, environmental criteria, product performance features?
- 3.6. What is the program's methodology for assessing product compliance with environmental criteria and methodology for verifying current compliance?
Specify the name of the document identifying the methodology data and provide flow charts for evaluation or verification.
- 3.7. How is the certification body's competence validated?
Specify the details of the supporting document
- 3.8. For what period is the ecolabel awarded and what are the conditions for its use on products?
- 3.9. Does the ecolabelling body have mutual recognition agreements with other ecolabelling bodies?
If yes, specify with which Eco-labeling authorities, details and term of such agreements
- 3.10. Does the ecolabelling body have a management system in place?
If so, briefly describe it and provide the guidance documents.
- 3.11. Display the ecolabel sign / logo and indicate:
- The registration documents on the ownership of the sign;
 - The policy of the ecolabelling authority on the proper use of the sign/ logo.

Chief Executive Officer
of Eco-labelling Body

Name and Signature _____

Date of completion

ANNEX B. RESULTS OF A CONSUMER SURVEY ON AWARENESS AND PERCEPTIONS OF PRODUCT LABELING

The research was conducted by the scientists and specialists of the Marketing Department of the Kyiv National University of Trade and Economics in January - February 2020.

The purpose of the study is to obtain information on how much consumers are aware of the importance of eco-labels on packaging of products and how they perceive these labels (whether their presence affects the purchase of the product, etc.).

The chosen research method is interviewing (personal standardized questionnaire survey). As a result of the research, the following data were obtained regarding the knowledge of the respondents and their perception of ecolabels.

Sources of product information

When choosing products, respondents pay the most attention to price information - 71% (177 people), composition and labeling information - 55% (138 people), promotional offers - 45% (113 people), advertising information - 38% (95 people). Respondents pay the least attention to specialized shelves - 22% (56 persons), publications on independent product testing - 21% (53 persons), sweepstakes - 8% (19 persons) (see Table 1).

Table 1. Sources of information on product.

Source of information	2020		2015	
	Number of persons	Number of persons in%	Number of persons	Number of persons in %
Price information (shelf labels)	177	71	181	13
Promotional information (videos, billboards, etc.)	95	38	164	11
Promotional offers from retailers on discounts on prices	113	45	242	17
Promotional offers of the trading networks on the drawing of valuable prizes	19	8		
Publications and TV programs for consumers about independent product testing	53	21	295	21
Composition and labeling information provided on the packaging	138	55	557	38
Specialized shelves, such as organic or eco-friendly products	56	22	-	-

Product selection criteria

The most popular criteria for product selection are: recommendations from acquaintances - 59% (148 persons), references to DSTU - 46% (116 persons), availability of labels indicating the environmental friendliness of products - 37% (92 persons), expert information - 32% (80 persons). The least popular were the presence of labels indicating the organic nature of the products - 27% (68 persons), the highest price - 26% (65 persons), references to ISO 9001 standards - 9% (22 persons), references to ISO 14001 standards - 5% (12 persons), references to HACCP standards - 3% (7 persons) (see Table 2).

Table 2. Product selection criteria.

Criterion for selecting better and safer products	Number of persons	Number of persons in%
Reference to DSTU	116	46
Reference to quality management system standards in accordance with ISO 9001	22	9
Reference to environmental management system standards in accordance with ISO 14001	12	5
Reference to HACCP Food Safety Standards	7	3
The presence of the labels indicating that the products are environmentally friendly	92	37
The presence of the labels indicating that the products are organic	68	27
High price, in comparison with similar indicators of products of the same category	65	26
Recommendations from acquaintances who have already used such products	148	59
Expert information in special publications or TV programs	80	32

Awareness of labeling

As can be seen from **Figure. 1**, the logo recognition rates are the highest for №1 and №7. Sign №3 influences the choice most. Respondents are ready to pay more for availability №2.

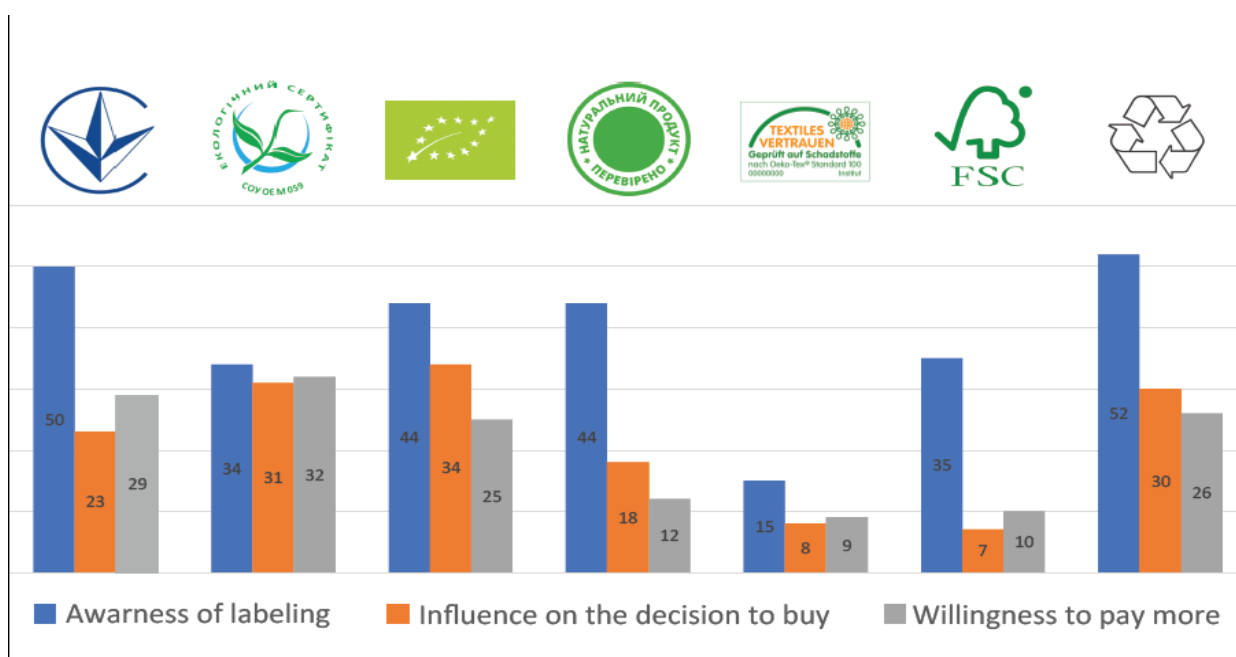


Figure 1. Respondents' awareness of labeling (%).

The results of knowledge of the labeling, its influence on the decision to buy and the willingness to pay more for its presence on the packaging are more clearly illustrated in **Figure 2**.

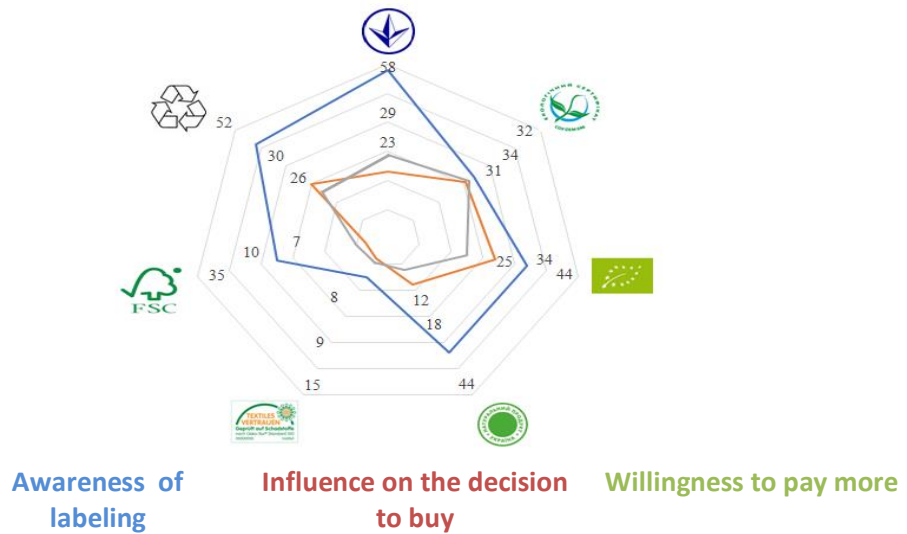


Figure 2. Environmental awareness of respondents (%).

Figure 3 compares the respondents' awareness of labeling by the survey results in 2015 and 2020. In 5 years the awareness has increased significantly.

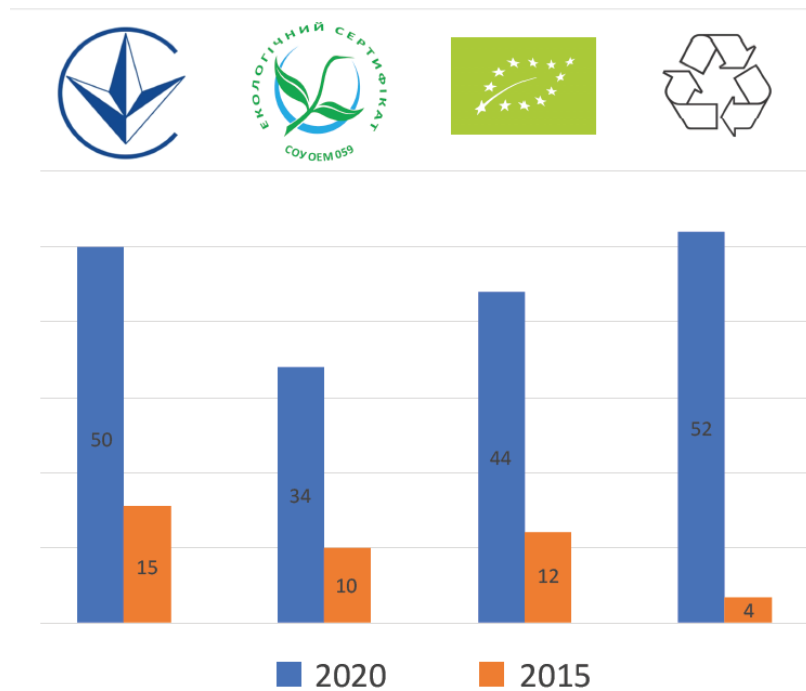


Figure 3. Respondents' awareness of labeling (%) in 2015 and 2020 (value of the labels).

Understanding the value of labels

According to the respondents' answers, the indicators of understanding the value of the label are the highest at №7 and the lowest at №5 (see **Figure 4**).

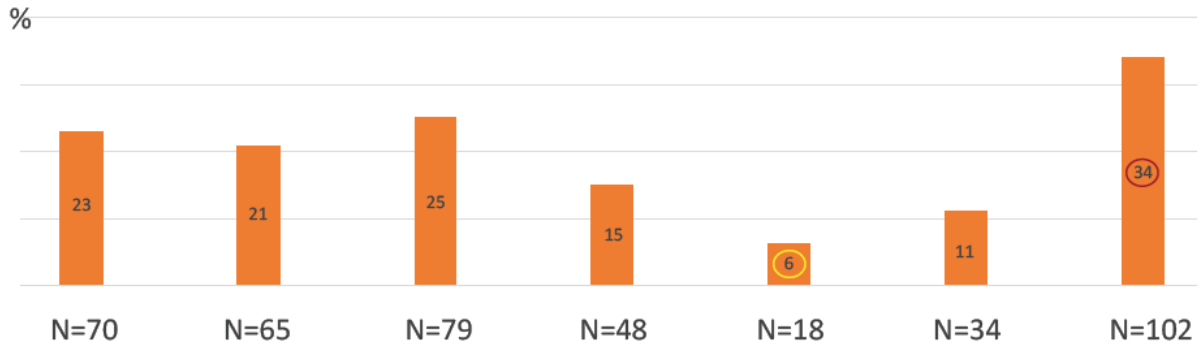


Figure 4. Understanding the value of labels.



CONCLUSIONS

In Ukraine, there is an increase in consumer awareness of marking marks. The presence of labeling, which indicates the environmental friendliness of products, is one of the most popular criteria for choosing products. Respondents are prepared to pay more for products marked with ecolabel “Green Crane”. The most understandable to consumers is the label “Mobius Loop”.