



Die
Bundesregierung



CVD implementation guide for eProcurement service providers/ software providers

V1.1

December 2021

This guide was created in cooperation between

Federal Ministry for Digital and Transport (Unit G21)

Federal Ministry for Economic Affairs and Climate Action (Unit I B 6)

Federal Ministry of the Interior and Community (Unit DGI5 in cooperation with the Procurement Agency of the Federal Ministry of the Interior and Community)

Disclaimer: This guide serves as a non-binding recommendation for the technical adaptation of the relevant eProcurement software solution to enable contracting authorities and contracting entities to meet their statutory obligation in accordance with the Act on the Procurement of Clean Road Vehicles (SaubFahrzeugBeschG) when using EU standard forms. The Federal Government does not assume any liability for its contents and the technical suitability of the proposed solutions.

Table of contents

- Background 4
- We need your support 6
- Scope of application of the SaubFahrzeugBeschG 7
- Data to be collected 8
 - For the contract notice 8
 - Code list CVDLegalBasis 8
 - For the contract award notice 9
 - Code list CVDVehicleCategory 10
 - Encoding the data for TED 11
 - Sample contract notice 13
 - Sample contract award notice 14
- How to collect the data 15
 - For the contract notice 15
 - For the contract award notice 16
 - For Framework Agreements or Dynamic Purchasing Systems 17
- Outlook 19
- Annex 20

Background

The aim of the revised Directive 2009/33/EC (Clean Vehicles Directive, CVD) is to stimulate demand for clean, i.e. low-emission and zero-emission road vehicles in the context of public procurement, thus reducing emissions in the transport sector and strengthening the contribution of public procurement authorities to reducing CO₂ and air pollutant emissions. In addition, the promotion of greater demand for clean vehicles should contribute to strengthening the competitiveness of the Union's economic sectors in the increasingly important global markets for low-emission and zero-emission vehicles.

The Directive sets binding minimum targets for the procurement of low-emission and zero-emission passenger cars as well as light and heavy commercial vehicles, especially for public transport buses. The new requirements have applied since 2 August 2021 and oblige the public authorities and a selection of certain private-sector actors (e.g. postal and parcel services, waste collection) to ensure that some of the vehicles purchased must be low-emission or zero-emission in the future.

The Directive was transposed into German law by the Act on the Procurement of Clean Road Vehicles (SaubFahrzeugBeschG)¹ of 9 June 2021, which entered into force on 15 June 2021. Accordingly, the federal administration and the federal states have to comply with the specified minimum targets for the procurement of vehicles and transport services.

The Act applies to the following contracts (e.g. by calls for tenders or award procedures) concluded after 2 August 2021:

- for contracts on the **purchase, lease or rent of road vehicles**
- for **public service contracts** (e.g. public transport buses)
- for **service contracts for transport operations** (e.g. parcel and postal services, municipal waste collection)

The Directive requires Member States to monitor compliance with the minimum targets for public procurements and to report to the Commission on the implementation of the Directive. On the basis of the SaubFahrzeugBeschG, contracting authorities and contracting entities are thus required by law to provide data on the number and categories of vehicles procured, within the framework of the EU standard forms already used in the procurement procedure. To make the data collection easier for public buyers, **data will only be collected through notices**. Implementation of a separate service for public buyers to provide data is not planned or required.

¹ Federal Law Gazette I p.1691

Data will only be collected through the contract and contract award notices provided under or through procedures under EU Directives 2014/24/EU, 2014/25/EU and Regulation (EC) 1370/2007.

When the eForms Implementing Regulation (EU) 2019/1780, whose standard forms will replace the current (EU) 2015/1986 publication forms as of October 2023, enters into force, special fields for the CVD will be included to ensure structured data input. To enable a smooth transition to eForms, the following principles should be taken into account for creating the software solution:

- To allow a correct comparison, **the data collected for both time frames** (until the entry into force of eForms and afterwards) must be **congruent**. This means that the same data should be collected by the contracting entities over the entire period.
- Until eForms are introduced, data will be transmitted in the 'Additional Information' text field in the contract and contract award notices provided under EU Directives 2014/24/EU and 2014/25/EU and Regulation (EC) 1370/2007.
- Once eForms are introduced (October 2023 at the latest), data will be transmitted in the planned structured data fields.

We need your support

To gather the necessary data for reporting to the EU and to understand how vehicles are procured through public procurement, it is essential that you as a service provider support contracting authorities and contracting entities in collecting this data. This will not only ensure that data collected through notices is correct, it will also be much easier for contracting authorities and contracting entities to provide the necessary information.

This guide shows which data is to be collected and how it is to be encoded with the standard forms currently in use. In accordance with section 8(1) and (3) of SaubFahrzeugBesch, contracting authorities and contracting entities are obliged to document their procurements within the meaning of the SaubFahrzeugBeschG. This guide aims to specify this obligation and the practical design of the standard forms.

Scope of application of the SaubFahrzeugBeschG

If the contracting authorities and contracting entities select certain CPV codes under specific public procurement regimes, it is very likely that this public procurement procedure is within the scope of the CVD and/or SaubFahrzeugBeschG. However, this is not necessarily the case. The list of CPV codes is not final as regards the scope of application of the CVD/SaubFahrzeugBeschG but can only serve as an indicator for its applicability.

Public procurement regimes are:

- EU Classical Procurement Directive 2014/24/EU
- EU Utilities Procurement Directive 2014/25/EU
- Public Transport Regulation (EC) 1370/2007

The annex contains a list of CPV codes that can be used to determine whether the procurement falls under the scope of application of the CVD.

Data to be collected

This section describes which data should be collected. The attribute names used here are for demonstration purpose only but could of course be reused in your service if they fit your purpose.

For the contract notice

There are two attributes that should be collected in the contract notice. As the assumption is that there will be only one legal basis within each public procurement procedure, the information is not repeatable.

Attribute	Type	Comment
isCVD	Indicator	Indicates whether the procedure falls under the SaubFahrzeugBeschG.
CVDLegalBasis	Code list	Indicates under what type of legal basis this procurement procedure falls.

Code list CVDLegalBasis

Code	Label
31A	Purchase, lease, rent or hire-purchase within the meaning of section 3(1) of SaubFahrzeugBeschG
31B	Public service contracts within the meaning of section 3(2) of SaubFahrzeugBeschG
31C	Service contracts within the meaning of section 3(3) of SaubFahrzeugBeschG

For the contract award notice

The actual data on the number of vehicles procured is captured through the contract award notice. As multiple categories can potentially be procured in a procedure, the data must be repeated for each vehicle category. In addition, the data captured for the contract notice will be provided here as well.

Attribute	Type	Comment
CVDVehicleCategory	Code list	Vehicle category (M1, M2, M3, N1, N2, N3)
CVDAllVehicles	Integer	Total number of vehicles under the selected vehicle category
CVDCleanVehicles	Integer	Number of all clean vehicles. This number must be less than or equal to CVDAllVehicles.
CVDZeroEmission Vehicles	Integer	Number of all zero-emission vehicles This number must be less than or equal to CVDCleanVehicles

Code list CVDVehicleCategory

Code	Label	Definition
M1	M1	Vehicles designed and constructed for the carriage of passengers comprising no more than eight seats in addition to the driver's seat and without areas for standing passengers, irrespective of whether the number of seats is limited to the driver's seat
M2	M2	Vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat and having a maximum mass ("technically permissible maximum laden mass") not exceeding 5 tonnes, <u>irrespective of whether these vehicles have areas for standing passengers,</u>
M3	M3	Vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat and having a maximum mass exceeding 5 tonnes, <u>irrespective of whether these vehicles have areas for standing passengers,</u>
N1	N1	Vehicles for the carriage of goods having a maximum mass not exceeding 3.5 tonnes
N2	N2	Vehicles for the carriage of goods having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes
N3	N3	Vehicles for the carriage of goods having a maximum mass exceeding 12 tonnes

Encoding the data for TED

The data needs to be encoded in the notices so that the data can be retrieved as of August 2021. The current EU standard forms do not offer dedicated fields to encode the data. Therefore, the only possible solution is to use the 'Additional Information' text field in section VI.3, a mandatory field under section 8(1) and (3).

Because the data needs to be encoded in a simple text field, it is important to use a unified encoding scheme to allow the correct evaluation of the data at a later stage. Therefore, all attributes will be identified through a specific and simple code.

Attribute	Code in the notice	Comment	Example
isCVD	cvd00	This code only needs to be in the notice if the procedure falls under the SaubFahrzeugBeschG. If the code is found in the text field, the rest of the text field will be searched for additional information.	#cvd00=This procedure falls under the SaubFahrzeugBeschG#
CVDLegalBasis	cvd01 to cvd03	Each entry for the code list will have its own code to facilitate data retrieval.	#cvd01=Purchase, lease or rent within the meaning of section 3(1) of SaubFahrzeugBeschG# #cvd02=Public service contracts within the meaning of section 3(2) of SaubFahrzeugBeschG# #cvd03=Service contracts within the meaning of section 3(3) of SaubFahrzeugBeschG#
CVDVehicleCategory	cvd10	Unlike in CVDLegalBasis, only one code will be used for CVDVehicleCategory. The reason is that the same collection pattern will be used for the	#cvd10=m1#

		following attributes as well.	
CVDAllVehicles	cvd11	Total number of vehicles	#cvd11=20#
CVDCleanVehicles	cvd12	Total number of clean vehicles	#cvd12=6#
CVDEmissionFreeVehicles	cvd13	Total number of zero-emission vehicles	#cvd13=4#

Sample contract notice

In the 'Additional Information' field under Section VI.3 (* /complementary_info/info_add), the following is encoded, together with its meaning.

Encoded data	Meaning
<code><P>#cvd#cvd00=This procedure falls under the SaubFahrzeugBeschG#<P></code>	cvd00: This procedure falls under the SaubFahrzeugBeschG. Even though CVD00 would be sufficient to extract the data, the additional information helps the readers to understand what is behind the code.
<code><P>#cvd#cvd01=Purchase, lease, rent within the meaning of section 3(1) of SaubFahrzeugBeschG#</P></code>	cvd01: This procedure is a purchase, lease or rent. While CVD01 would be sufficient, the additional information is given to readers to understand what is behind the code. Please note: Each CVD line begins with #cvd#.

```
<COMPLEMENTARY_INFO>
...
<INFO_ADD>
  <P>#cvd#cvd00=This procedure falls under the SaubFahrzeugBeschG#</P>
  <P>#cvd#cvd01=Purchase, lease or rent within the meaning of section 3(1) of Sa
ubFahrzeugBeschG#</P>
  <P>Manually added text</P>
</INFO_ADD>
...
</COMPLEMENTARY_INFO>
```

Sample contract award notice

In the 'Additional Information' field under Section VI.3 (* /complementary_info/info_add), the following is encoded, together with its meaning.

Encoded data	Meaning
<p><P>#cvd#cvd00=This procedure falls under the SaubFahrzeugBeschG#<P></p> <p><P>#cvd#cvd01=Purchase, lease, rent within the meaning of section 3(1) of SaubFahrzeugBeschG#<P></p> <p><P>#cvd#cvd10=m1#cvd11=20#cvd12=6#cvd13=4#<P></p> <p><P>#cvd#cvd10=m2#cvd11=15#cvd12=14#cvd13=10#<P></p>	<p>cvd00: This procedure falls under the CVD.</p> <p>cvd01: This procedure is a purchase, lease or rent and includes retrofitting, meaning that existing vehicles will be technically updated (retrofitted) to fall within the definition of clean vehicles.</p> <p>cvd10: This Contract Award Notice provides information about two vehicle categories (M1 and M2).</p> <p>cvd11: 20 vehicles with category M1 were procured and 15 vehicles with category M2 were procured.</p> <p>cvd12: In category M1, of the 20 vehicles, 6 vehicles are considered clean. In M2, of the 15 vehicles, 14 are considered clean.</p> <p>cvd13: In category M1, of the 6 clean vehicles, 4 are zero-emission. In M2, of the 14 clean vehicles, 10 are zero-emission.</p>

```
<COMPLEMENTARY_INFO>
...
<INFO_ADD>
  <P>#cvd#cvd00=This procedure falls under the SaubFahrzeugBeschG#</P>
  <P>#cvd#cvd01=Purchase, lease or rent within the meaning of section 3(1) of SaubFahrzeugBeschG#</P>
  <P>#cvd#cvd10=m1#cvd11=20#cvd12=6#cvd13=4#</P>
  <P>#cvd#cvd10=m2#cvd11=15#cvd12=14#cvd13=10#</P>
  <P>Manually added text</P>
</INFO_ADD>
...
</COMPLEMENTARY_INFO>
```

How to collect the data

Data on CVD must be collected as of August 2021 for all new procedures.

For the contract notice

The contracting authorities and contracting entities must check whether the procedure is within the scope of application of the SaubFahrzeugBeschG. As stated above, if the buyer selects specific CPV codes, they should be asked whether this procedure is within the scope of the SaubFahrzeugBeschG and, if yes, under which legal basis.

An example: if the contracting authority or contracting entity selects Directive 2014/24/EU and then the CPV code 34111200 (saloon cars), the procurement procedure is very likely to be within the scope of the SaubFahrzeugBeschG.

The following shows how the data could be requested from the contracting authorities and contracting entities.

```
> Is this procurement procedure within the scope of the SaubFahrzeugBeschG?
(X) YES
( ) No
If YES then
> Please select one legal basis for this procedure:
( ) Purchase, lease or rent within the meaning of section 3(1) of SaubFahrzeugBeschG
( ) Public service contracts within the meaning of section 3(2) of SaubFahrzeugBeschG
( ) Service contracts within the meaning of section 3(3) of SaubFahrzeugBeschG
```

For the contract award notice

The data for the Contract Award Notice is usually provided by the supplier. There are two different scenarios on how the data can be collected and encoded in notices.

1. **Data provided by the supplier, encoded by the contracting entity:** A standard form in PDF format is provided by the contracting entity to the supplier. The supplier fills in the data and sends it back to the contracting entity. This data will be encoded by the contracting entity in the service. Of course, the service could also provide a feature to import the data directly from the PDF form.
2. **Data provided and encoded by the supplier:** The service could offer a feature that allows awarded suppliers to provide the data directly for a certain procedure. This would have the advantage that the contracting entity does not need to enter the data, which can be a source of error. As the contract award notice can only be published by the contracting entity, they have control and responsibility for the data.

The following example shows how data could be collected either from the contracting entity or directly from the supplier. It is assumed that the appropriate procedure has been selected. It should only be possible to collect data for a procedure that was declared as falling under the CVD.

Vehicle category	M1	M2	M3	N1	N2	N3
Total number of vehicles	20	15				
Of them, clean vehicles	6	14				
Of them, zero-emission vehicles	4	10				

For Framework Agreements or Dynamic Purchasing Systems

Vehicles can also be procured through Framework Agreements or Dynamic Purchasing Systems. Here, the contract award notice is also used to provide the relevant data. For Framework Agreements, the contract award notice will generally only contain estimated values. However, this is not sufficient to meet the requirement to provide correct vehicle data. Therefore, in the case of a **Framework Agreement**, the specific data of the single call-offs has to be provided in further contract award notices.

If the SaubFahrzeugBeschG procedure is combined with a **Dynamic Purchasing System**, already with the initial Contract Award Notice data needs to be provided. Unlike in other procedure types, the Contract Award Notice has to be used multiple times for Framework Agreements or Dynamic Purchasing Systems.

To facilitate **reporting**, making a quarterly report of the single call-offs is recommended. At the beginning of a new quarter, a contract award notice would then be published with all the aggregated information.

List of eProcurement software providers

To inform contracting entities on the eProcurement systems that can be used to collect the data in a structured form and encode them in the TED forms as described above, a list of eProcurement specialized software providers will be published on the website of the Federal Ministry for Digital and Transport. Inclusion in the list is possible at any time.

If you wish to be named on this website, please send an email to **ref-G21@bmdv.bund.de** including the following information:

- Name of the specialized software provider (will be published)
- Logo (will be published)
- Name of the solution (will be published)
- Link (will be published)
- Contact person (will not be published)
- Email address (will not be published)
- Telephone number (will not be published)

Please attach some screenshots to your email proving that your solution is able to encode the data in a structured way and that the data can be output in the text field.

Outlook

The guideline will be updated as required. Especially when the eForms are introduced, there will be a second version which defines how the data is to be encoded in the notices.

Annex

Please note: This is a list of potentially relevant CPV codes. Not all contracts with listed CPV codes automatically fall under the CVD or SaubFahrzeugBeschG. Conversely, the list should not be regarded as final. It should serve as an indicator.

CPV list

34110000 - passenger cars

 34111000 - estate and saloon cars

 34111100 - estate cars

 34111200 - saloon cars

 34113000 - 4-wheel-drive vehicles

 34113100 - jeeps

 34113200 - all-terrain vehicles

 34113300 - off-road vehicles

 34114400 - minibuses

 34115000 - other passenger cars

 34115200 - motor vehicles for the transport of fewer than 10 persons

 34115300 - second-hand transport vehicles

34121000 - buses and coaches

 34121100 - public-service buses

 34121200 - articulated buses

 34121300 - double-decker buses

 34121400 - low-floor buses

34131000 - pick-ups

34133000 - articulated trucks

34134000 - flatbed and tipper trucks

 34134100 - flatbed trucks

 34134200 - tipper trucks

34136000 - vans

 34136100 - light vans

 34136200 - panel vans

34137000 - second-hand goods vehicles

34144510 - vehicles for refuse

 34144511 - refuse-collection vehicles

 34144512 - refuse-compaction vehicles

34144900 - electric vehicles

 34144910 - electric buses

60112000 public road transport services

60130000 special-purpose road passenger-transport services

60140000 non-scheduled passenger transport

60160000 mail transport by road

60161000 parcel transport services

64121100 mail delivery services

64121200 parcel delivery services

90511000 refuse collection services

34114200 - police cars

 34114210 - prisoner-transport vehicles

34114300 - welfare vehicles

34142100 - elevator-platforms trucks

34142300 - dumper trucks