

Annexes :

Annexe 1 : Interview écrite de Alessandro Biagetti et Lorenzo Radice pour TrenItalia

Questionnaire about the use of labels and business sustainability rating systems

Name : Lorenzo Radice
Company : Ferrovie dello Stato Italiane Group

1) Describe the use of labels that measure sustainability in your tenders.

- a. Do you use it as a selection and/or attribution criteria? How do you implement it; weight factor, evaluation methods, comparison of different labels or equivalent documentation (other than label), ... ?

Generally, FS Group companies use it as attribution criteria, within tenders that consider a technical offer, with a weight factor (5/7% of technical points available).

- b. Can you give some examples and your best practices.

For all the tenders managed by Ferservizi¹ and related to “no core” services/products (not directly connected to railway operations), we include Minimal Environmental Criteria (Criteri ambientali minimi – CAM). Minimum Environmental Criteria (CAM) are environmental requirements established for the various phases of the purchasing process, aimed at identifying the best product, service or design solution in environmental terms, throughout its life-cycle, taking account of availability on the market. These criteria are defined within the framework of the plan for environmental sustainability of consumption in the public administration sector (Green Public Procurement - GPP).

Their uniform and systematic application helps spread environmental technologies and the most environmentally favorable products, and by exerting leverage on the market, prompts the less virtuous economic operators to adapt to the new requirements of the public administration.

CAM were introduced by art. 18 of Law 221/2015 and subsequently art. 34 of the tendering code - Legislative Decree 50/2016 (as amended by Legislative Decree 56/2017) - which set down environmental and energy sustainability criteria and made their application compulsory for contracting authorities.

- c. Which labels do you frequently request ?

¹ Ferservizi S.p.A. is the “Integrated Service Centre” of the Ferrovie dello Stato Group, which manages “Back office” activities, not directly connected to railway operations, for the Parent company and the companies of the FS Group, supporting the core business in terms of quality and constantly improving the efficiency of the processes managed.

The Group Purchasing Area carries out industry surveys, scouting and market checks and ensures the management of the pre-contractual, negotiating and contractual phases, combining innovative technological solutions with the experience acquired as part of Ferrovie dello Stato.

The main labels use in our tender are Ecolable, Energy star, FSC®, ISO 14024.

- d. Does the legislation in your country allow you to use labels during the public tendering procedure?

Yes, see answer 1.b

- i. If yes: specify the type of products/services/works for which you frequently use it?

See answer 1.b

- ii. Did your legal department advise you on this topic, what was the advice?

Our legal department, in accordance with procurement structures of the main companies of FS Group, has agreed to introduce in our tenders sustainability criteria (e.g. labels) in order to add value to environmental quality and compliance with social standard, reducing, at the same time, the risk profile related to the purchasing process.

- e. Did you encounter any problems or legal complaints by using labels in your tender requirements? Can you briefly explain the situation and how you handled it.

No, we did not. We always check the market availability of the labeled products in order to ensure a smooth purchasing process.

- f. Which one is applicable to your country? (Underline)

i. The required labels are specifically related to the production of the good, service or work being purchased.

ii. The required labels are related to the general practices or policies of the supplier.

- 2) Describe the use of business sustainability rating systems (e.g. Ecovadis or equivalent systems) in your tenders.

- a. Do you use it as a selection and/or attribution criteria? How do you implement it; weight factor, evaluation methods, comparison of different sustainability rating systems or equivalent (other than e.g. ecovadis), ... ?

RFI² uses it as attribution criteria, within tenders that consider a technical offer, with a weight factor (8/10% of technical points available). RFI, like all public purchasers, particularly in Europe, has a dual challenge: it has an immense opportunity to make a huge impact and drive innovation and sustainability performance wherever they source – locally and across the globe. Yet, at the same time, it must manage compliance with European law, which has very specific constraints on how suppliers engage in tenders. As the new Italian Law on Public Procurement (tendering code - Legislative Decree 50/2016) came into effect, making sustainability an important

² Rete Ferroviaria Italiana (RFI) is the Infrastructure Management company of the Ferrovie dello Stato Italiane Group, Italian public rail. RFI is responsible for the management and safety of the rail traffic on the whole national network.

requirement to be requested in order to award a tender, it presented challenges: How to analyze the CSR practices of a company and give a legitimate rating, but without having any internal expertise in the organization? How to conduct this analysis in a timely manner to meet the needs of an RFP?

To meet the challenge of formalizing this process and complying with the new Italian law, RFI adopted an external CSR reference into its tender process to monitor supplier compliance to CSR principles: Companies are invited to complete a CSR assessment through EcoVadis as part of the bidding process. As a result, all new tenders and engagements have CSR criteria via an EcoVadis assessment, included at the appropriate level.

b. Can you give some examples and your best practices.

See answer 2.a

c. Which sustainability rating systems do you frequently request ?

See answer 2.a

d. Does the legislation in your country allow you to use business sustainability rating systems during the public tendering procedure?

i. If yes: specify the type of products/services/works for which you frequently use it?

The Italian tendering code - Legislative Decree 50/2016 (as amended by Legislative Decree 56/2017) sets down environmental and energy sustainability criteria and made their application compulsory for contracting authorities. We use CSR rating as an awarding criteria in RFI's tender but we are working in order to apply it in all our tender.

ii. Did your legal department advise you on this topic, what was the advice?

Our legal department, in accordance with procurement structures of the main companies of FS Group, has agreed to introduce in our tenders sustainability criteria (e.g. CSR/ESG rating) in order to add value to environmental quality and compliance with social standard.

e. Did you encounter any problems or legal complaints by using those rating systems in your tender requirements? Can you briefly explain the situation and how you handled it.

No, we did not.

f. Which one is applicable to your country? (Underline)

i. The required labels are specifically related to the production of the good, service or work being purchased.

ii. The required labels are related to the general practices or policies of the supplier.

- 3) Which specific national or regional legislation is applicable to your company regarding the use of labels and sustainability rating systems? Please specify the laws and applicable articles (e.g. Royal or presidential Decree about xx from .././2022 articles 5 to 8).
Art. 18 of Law 221/2015 and art. 34 of the tendering code - Legislative Decree 50/2016 (as amended by Legislative Decree 56/2017).