

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

01 June 2023

## REPORTING OF CLEAN VEHICLES PUBLIC PROCUREMENT

Directive 2009/33/EC<sup>1</sup> which relates to the ‘Promotion of Clean Road Transport Vehicles in Support of Low-Emission Mobility’ (referred to as the Clean Vehicles Directive) aims to stimulate the development of a market for Clean and Energy-Efficient Vehicles in the European Union (EU).

Directive 2009/33/EC has been amended through Directive (EU) 2019/1161<sup>2</sup> which was published in the Official Journal of the European Union (OJEU) on 12 July 2019 and has been applicable since 02 August 2019. However, the Member States were obliged to transpose the said amendment Directive 2019/1161 into National Law by 02 August 2021.

To this end, the consolidated version of the ‘Cleaner and More Energy-Efficient Road Transport Vehicles Regulations’ S.L. 601.06 now incorporates the contents of Legal Notice 75 of 2022<sup>3</sup>, which relates to the transposition of Directive 2019/1161. Regulation S.L. 601.06 encourages clean mobility in Public Procurement Procedures, thus, enhancing the deployment of low-emission and zero-emission vehicles, with the scope of achieving the set Minimum National Targets for the Procurement of Clean Vehicles.

The Department of Contracts, in liaison with Transport Malta, encourages Contracting Authorities / Entities<sup>4</sup>, specifically officers responsible for Public Procurement to thoroughly read and familiarise themselves with EU Directives 2009/33/EC and 2019/1161, as well as S.L. 601.06 and L.N. 75 of 2022. In addition, to assist

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<sup>1</sup> Directive 2009/33/EC was initially titled ‘The promotion of clean and energy-efficient road transport vehicles’ and was originally published in the OJEU in April 2009.

<sup>2</sup> Directive 2019/1161 has entered into force on the twentieth day following that of its publication in the OJEU.

<sup>3</sup> L.N.75-2022 was published on the Government Gazette on 11 February 2022.

<sup>4</sup> Contracting entities in S.L. 60.05 are entities which: (a) are contracting authorities or public undertakings and which pursue one of the activities referred to in regulations 8 to 14; (b) when they are not contracting authorities or public undertakings, have as one of their activities any of the activities referred to in regulations 7 to 13, or any combination thereof and operate on the basis of special or exclusive rights granted by a competent authority.

Contracting Authorities / Entities in reviewing S.L. 601.06, at Annex I, an overview of the salient content of the ‘Cleaner and More Energy-Efficient Road Transport Vehicles Regulations’ is being provided.

Contracting Authorities / Entities are reminded that the updated consolidated version of S.L. 601.06 may be accessed through the Ministry for Justice’s (MfJ) website, specifically under the ‘Publications’ section (<https://legislation.mt/>).

### **Reporting: Procuring Clean Vehicles**

Contracting Authorities / Entities are reminded that Awarded Procurement Calls falling within the scope of Directive 2009/33/EC, specifically wherein the Estimated Procurement Value equals or exceeds the EU Financial Thresholds, are to be recorded in the Tenders Electronic Daily (TED)<sup>5</sup>: the online portal which publishes Public Procurement Notices.

Article 10(3) of the Clean Vehicles Directive states that *‘In order to assist the Member States in their reporting obligations, the [European] Commission shall collate and publish the number and the categories of vehicles covered by the contracts referred to in points (a) and (c) of Article 3(1) of this Directive by extracting the relevant data from contract award notices published on the Tenders Electronic Daily (TED) database in accordance with Directives 2014/24/EU<sup>6</sup> and 2014/25/EU<sup>7</sup>’*.

Accordingly, in addition to customary fields completed in the Contract Notice and the Contract Award Notice, as of 05 June 2023, the Authority responsible for the Procurement Process shall indicate the below information in relation to the Procurement of Vehicle/s in line with Public Procurement Regulations S.L. 601.03 and Utilities Procurement Regulations S.L. 601.05:

- Type / Category of Vehicle
- Number of Vehicles
- Number of Clean Vehicles
- Number of Zero-Emission Vehicles
- Type of Technology

<sup>5</sup> TED is the ‘Supplement to the Official Journal’ of the European Union dedicated to European Public Procurement.

<sup>6</sup> On 28 October 2016, Directive 2014/24/EU was transposed (through Legal Notice 352-2016) into National Law as the Public Procurement Regulations S.L. 601.03.

<sup>7</sup> On 28 October 2016, Directive 2014/25/EU was transposed (through Legal Notice 351-2016) into National Law as the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations: S.L. 601.05.

### Report to the European Commission

Article 10(2) of the Clean Vehicles Directive states that ‘By 18 April 2026, and every three years thereafter, Member States shall submit to the Commission a report on the implementation of this Directive. Those reports shall accompany the reports provided for in the second subparagraph of Article 83(3) of Directive 2014/24/EU and the second subparagraph of Article 99(3) of Directive 2014/25/EU, and they shall contain information on the measures taken to implement this Directive, on future implementation activities, as well as any other information which the Member State considers relevant. Those reports shall also include the number and the categories of vehicles covered by the contracts referred to in Article 3(1) of this Directive, based on the data provided by the Commission in accordance with paragraph 3 of this Article. The information shall be presented on the basis of the categories set out in Regulation (EC) No 2195/2002 of the European Parliament and of the Council<sup>8</sup>.

To this end, Contracting Authorities / Entities are encouraged to keep a record of any information that the Competent Authority in the field of Transport, namely Transport Malta, shall be requesting to fulfil the requirements of this Directive Article.

### **Contact**

Contracting Authorities/Entities may submit any queries in relation to the generic procurement content of this Circular to the Department of Contracts’ Customer Care service on [info.contracts@gov.mt](mailto:info.contracts@gov.mt) or by calling on +356 2378 1001

However, regarding specific queries vis-a-vis the Clean Vehicles Directive, the Cleaner and More Energy-Efficient Road Transport Vehicles Regulations and the Procurement Targets of Clean Vehicles, as well as any other technical difficulties, Contracting Authorities / Entities are to contact Transport Malta.

Anthony Cachia  
Director General (Contracts)

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<sup>8</sup> Regulation (EC) No 2195/2002 relates to the Common Procurement Vocabulary (CPV).