

政府採購環境保護產品之探討*

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關鍵詞：綠色政府採購、永續性採購、環境保護產品及服務、環境保護標章產品、政府採購協定、技術性貿易障礙

Keywords : Green Public Procurement(GPP), Sustainable Procurement, Environmental Goods and Services(EGS), Eco-Label Products, Agreement on Government Procurement (GPA), Technical Barriers to Trade

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摘 要

綠色採購，向指採購時應選擇對環境及健康影響最小的產品或服務，並在兼顧經濟、社會、環境之發展前提下，優先選用致力於保存資源及對環境友善之廠商，因此亦屬永續性採購的一環。倘以政府採購之消費能量，於辦理採購時在同等性能的競爭廠商中，選擇該產品、服務或工作之生命週期對環境負荷較小的廠商為決標對象，將有助於提昇永續消費和永續生產觀念。我國環境基本法第 38 條規定：「各級政府應採行必要措施，以促進再生資源及其他有益減低環境負荷之原（材）料、製品及勞務之利用。各級政府之採購，應以再生資源製品及環境保護標章產品為原則。」本文介紹國際間綠色政府採購法令現況及環保標章機制，探討我國政府機關採購環境保護產品之相關規定；同時藉由數實際案例，探討環保標章實際執行時發生之衝突問題。尤其在新版政府採購協定於 2014 年 4 月 6 日生效後，第 X.6 條及第 X.9 條均對得基於促進天然資源保育及環境保護之目的而制定政府採購技術規格予以明定。倘我國政府採購法呼應新版政府採購協定修訂，自將對政府採購之執行產生極大影響，亦對環保產品產生更大之誘因，促進綠色採購之推動。

A Study of Environmentally Preferable Purchasing in Government Procurement

Anna Yan

Abstract

Green Procurement is a policy that public authorities seek to procure goods, services and works with a reduced environmental or healthy impact, aiming to achieve the appropriate balance between the sustainable development of economic, social and environmental. It is one of the elements of Sustainable Procurement. As a majority consumer, Green Public Procurement is a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured. Article 38 of Taiwan's Basic Environment Act stipulates, "Government entities at all levels shall adopt necessary measures to promote the use of renewable resources and other materials, products or services that beneficially lessen environmental impact. In principle, government entities at all levels shall procure renewable resource products and Greenmark products."

This paper analyses the legislations and strategies of green procurement among global public authorities, the purpose of the purchasing of Eco-Label products, as well as the domestic regulations of purchasing environmental friendly products in public procurement. Meanwhile, it discusses the dilemma countered between the Eco-Label application and the Agreement on Technical Barriers to Trade. It is rather remarkable that, the Protocol Amending the Agreement on Government Procurement becomes effective on April 6, 2014. In Article X.6 and X.9, it provides that the procuring entities may apply technical specifications and set out environmental characteristics in the evaluation criteria to promote the conservation of natural resources or protect the environment. It can be foreseen that, once the corresponding amendment of the Government Procurement Act is implemented, a significant impact would be brought in the execution of the public procurement. The greater incentive of the suppliers would be raised. It is hoped to stimulate the development of the environmental protection products and Green Procurement.