

# ENVIRONMENTAL CONCERNS. THE ROLE OF GREEN PUBLIC PROCUREMENT IN ROMANIA

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## **Abstract**

*Public procurement, the process by which public authorities purchase work, goods or services, makes up a substantial part of the economies of the European Union Member States. This transforms the public procurement strategies and actions into a potentially strong instrument for governments to achieve economic, social, and environmental goals. But all these instruments depend substantially on the manner the public procurement system is managed, conducted and monitored.*

*This paper analyses the European and national legislative framework in support of green public procurement and the possibilities foreseen public procurement legislation that allow public officials to „green” their purchases. As green public procurement is a voluntary instrument, the approach on environmental objectives varies within the Member States. Up to this moment, Romania has not adopted a National Action Plan for Green Procurement, making our country one of the last 4 European states that does not have one.*

*The findings show that Romania has not effectively explored the possibility to approach environmental objectives through procurement regulation.*

**Keywords:** *green public procurement, environmental criteria, life-cycle costing, exclusion grounds, contract awarding, contract performance, monitoring*

**JEL Classification:** [K23]

## **1. Introduction**

Public procurement has a multidisciplinary character, transcending all sectors of economy and society. Public procurement, the process by which public authorities purchase work, goods or services, makes up a substantial part of the economies of the European Union Member States. According to the European Commission it involves over 250,000 contracting authorities across Europe and accounts for more than 14% of EU's GDP (roughly around €2 trillion per year). Its importance within the economies of the Member States varies, but the significance is always considerable. This transforms the public procurement strategies and actions into a potentially strong instrument for governments to achieve economic, social and environmental goals.

Making public procurement green can have an important direct environmental impact (reduce carbon emission, save natural resources, reduce waste), but GPP can be a driver for market development, adding indirect benefits of promoting a greener market on top of direct environmental impact reductions (Bauer et al, 2009:9). Moving towards a more sustainable use of natural resources

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would bring benefits not only for the environment, but also for the overall economy, creating opportunities for emerging "green" economies (COM, 2008:3).

The European Commission defines green public procurement as “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.” (COM, 2008:4).

In the recent years a large number of instruments have been adopted at national, EU and international level that prescribe the potential of GPP as a policy instrument. The OECD adopted a Recommendation on Green Public Procurement in 2002. Following the World Summit on Sustainable Development, the Marrakesh Task Force was created to support the spreading of green public procurement practices. At European level the potential of GPP was first highlighted in 2003. Since then several instruments have been enacted in support of green procurement.

In this paper we analyze the European and national legislative framework in support of green public procurement and the possibilities foreseen public procurement legislation that allow public officials to „green” their purchases.

## **2. Policy background**

GPP has been backed up by a number of EU policies and strategies. All these initiatives recognize the potential of GPP of playing a key role in the EU's efforts to become a more resource efficient economy. The initiatives of the EU for GPP are, as a rule, voluntary instruments and for this reason their key role in helping the EU to become a more resource-efficient economy depends greatly on their level of application within the Member States.

### *2.1 European policy*

In the following, the most relevant EU legislative documents on Green Public Procurement (GPP) are described.

In 2003 a Commission's Communication on Integrated Product Policy (COM (2003)) was adopted which outlines strategies for decreasing environmental impacts from products throughout their life cycle (Cordella et al, 2020:922). It was the first document that highlighted the potential of GPP within EU. Starting from that moment, green public procurement became part of the European legislative framework. The Integrated Product Policy encouraged Member States to draw up their own National Action Plans for greening their public procurement, by the end of 2006. The status of the National Action Plans within the EU as of February 2022 shows that the majority of the Member States have set up this plan by now (23 states). Romania is amongst the four last countries of the Union that did not manage to develop such a plan. Estonia, Hungary and Luxembourg are the other three Member States with no existing National Action Plan (COM(2022)).

The European Commission continuously encouraged public authorities to „green” their purchases. In its Communication "Public Procurement for a Better Environment" (2008) the Commission has set specific objectives that should help Member States in up-taking GPP: setting common GPP criteria, information on life-cycle costing of products, legal and operational guidance and political support through a political target, linked to indicators and future monitoring (COM(2008)). The Commission proposed that, by the year 2010, 50 % of all tendering procedures should be green, compliant with some common core GPP criteria. The Commission recommended the development of common GPP criteria at European level to be used by the Member States. Up to now, 21 GPP criteria for product and service group have been published and regularly updated to reflect the most recent technological and market development. The criteria used by Member States should be similar to avoid a distortion of the single market and to assure a level playfield for public contracts within the internal market.

Following this trend, the European Commission has continued to issue several strategic documents on GPP. In 2017 a Communication was enacted on Making Public Procurement work in and for Europe. The document clearly points out that public procurement can be used to obtain better value for each euro of public money spent and to contribute to a more innovative, sustainable, inclusive and competitive economy (COM(2017)).

On January 2019 the Commission published The Reflection Paper "Towards a Sustainable Europe by 2030" (COM(2019)). This represents yet another instrument that emphasizes the fact that Sustainable Development must be at the heart of the future of Europe. It offers a comprehensive guide for a shift from a linear to a more circular and resource-efficient economy.

Following Paris agreement on climate change in 2015, the European Commission first introduced in December 2019: The Green Deal of Europe. Establishing a long-term strategy, the Commission adopted a set of proposals to make the EU's climate, energy, transport and taxation policies fit for reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. The Green Plan provides an action plan that will help to increase the efficient use of resources by switching to a circular economy. The new Circular economy action plan, adopted in March 2020 represents one of the main segments of the European Green Deal. Measures will be introduced under the new action plan along the entire life-cycle of products. According to the said document the new plan „paves the way for a cleaner and more competitive Europe”.

## *2.2 Green public procurement policy in Romania*

Following the European strategy Romania has enacted a regulation on green procurement. This was done by means of Law no. 69/2016<sup>1</sup>. The regulation

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<sup>1</sup> Published in the Official Gazette no. 323 of April, 27th, 2016.

was adopted one day before the entrance into force of the Romanian legislative package on public procurement<sup>2</sup> and there is no correlation between the two instruments. The promulgation of this piece of regulation was an important step towards joining the European Union's environmental policy, but unfortunately the effects of the regulation were not the expected ones.

The law clearly states that a guide with minimum environmental criteria for groups of products and services, as well as standard tender specifications will be published within 6 months of its adoption. In the same line, the central public authority for environmental protection has the duty to draw up the national green public procurement plan with mandatory targets. According to Art. 5 para. 3 of Law. No. 69/2016 the mandatory targets shall be expressed as a percentage of the annual value of public procurement carried out (supply of products, provision of services or the execution of works) for which environmental criteria developed by the European Commission have to be used.

As of February 2022 Romania did not succeed in drafting the National Plan on Green Procurement. Besides the mandatory targets, the National plan was supposed to include the form for reporting the award notice for the procurement of green products/services/works, and the form of the green public procurement monitoring report. Both documents should be published in SEAP. Until the present research the system does not offer the required feature to allow the publishing of the said forms.

The SEAP Platform, which provides for the much-required transparency in public procurement represents an important tool for an efficient oversight in Romanian public procurement. Unfortunately the platform does not provide for dedicated sections that would facilitate the implementation and monitoring of the green public procurement. It is impossible to actually change public procurement and frame effective solutions without a clear understanding of the dynamics of the process. And this can only be achieved through collecting and analyzing information that provides increased awareness upon the root causes of the problems. It is very important to have means of monitoring how green public procurement is being implemented.

From all the actions that were supposed to be taken in accordance to Law no. 69/2016, the only achievement in this direction is the enactment of Order no. 1068/1652/2018 of 4 October 2018 for the Approval of the Guidelines for Green Public Procurement. This framework contains the minimum criteria for environmental protection requirements for certain groups of products and services. The Guide refers to only 6 groups of products and services: printing

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<sup>2</sup> Law no. 98/2016 on classic public procurement representing the general framework in the field, Law no. 99/2016 on sectorial procurement, Law no. 100/2016 on concessions of works and services and Law no. 101/2016<sup>2</sup> on remedies and appeals concerning the award of public procurement contracts, sectorial contracts and of works concession contracts and service concession contracts, and for the organization and functioning of the National Council for Solving Complaints.

paper, new indoor and outdoor furniture, food and catering services, cars, cleaning products and services, office IT equipment. A research study published in June 2021 on ecological paper shows that although the Order is mandatory, more than 2 years after its adoption, its provisions are far too little known and for certain categories of products, such as paper, more than 70% of the authorities do not apply it (Asociatia Romana pentru Dezvoltare Locala Durabila, ONV Law 2021:5).

### **3. GPP under 2014 Procurement Directives and the national legal framework**

In the following we will outline the possibilities to pursue GPP under the 2014 Procurement Directives and the national legal framework.

Within the EU, national procurement rules have been coordinated by the EU public procurement directives. The vehicle of harmonization has been entrusted to carry the progress of public procurement regulation (Bovis, 2013: 291-310). The European legislator chose to regulate in the Directives only those contracts whose monetary value exceed a certain amount. However, the actual impact of the Public Procurement Directive is much greater than the above thresholds procurement contracts. Furthermore, the ones falling outside the scope of the Directive, which are to be governed by domestic rules only, still have to respect the principles established by EU law. The European regulation does not aim to control and thrust a common regulatory regime on EU Member States in the field of public procurement. It allows the Member States to remain free in regulating a number of issues, adjusting substantive and procedural rules to their national procedures, as long as these rules are not in conflict with the provisions of the Directives and the ones from the Treaty. The EU aims to introduce “a discipline of regulation” in order to ensure that the undertakings from across the Internal Market have the opportunity to compete for public contracts, by ensuring equal treatment and by abolishing any scope for discriminatory purchasing through enhanced levels of transparency and accountability (Bovis, 2012:2).

The evolution of EU public procurement law has been swift and expansive. The 4<sup>th</sup> generation of public procurement directives enacted in 2004 provided for an “obvious simplification” and modernization of the European regulation in this field (Allain, 2006:522). A major innovation introduced by the 2004 Directive allowed Member States to pursue their own policies (social and environmental) through the regulation of public procurement. This right is expressly stated in Recital 1 of Directive 2004/18. In Recital 5 of 2004/18 Directive a reference is made for the first time in a procurement directive to the concept of value for money. The Recital provides for the right of the contracting authority to introduce green considerations whilst ensuring the possibility of obtaining best value for money. The concepts of promoting green standards and achieving value for money in public procurement are not incompatible. One should rather recognize the synergies that can exist between the two.

Following a reform process proposed by the Commission in 2011, the new rules for public procurements were finally published in 2014: Directive 2014/23/EU on concession contracts, Directive 2014/24/EU on public sector procurement, and Directive 2014/25/EU on procurements in the utilities sectors. Bovis argues that the new directive on public sector procurement has met three principal objectives: simplification, modernization and flexibility (2020:283-297). The 2014 Procurement Directives clearly enable public authorities to take environmental considerations into account.

Following the structure of a procurement process, we will go over the possibilities foreseen by European and national regulation that shall lead to greening the public contracts.

### *3.1 The procurement process*

Law no. 98/2016 on classic public procurement<sup>3</sup> describes three stages that must be followed in any procurement process:

- a) Planning;
- b) Organization of procedure and awarding of contract/framework agreement;
- c) Monitoring and implementing the contract/framework agreement.

#### *a) Planning*

The planning stage begins with the task of identifying the needs, drawing up of the requirements report and it ends with the approval of the head of the contracting authority of the tender documentation, including the support documents and the contracting strategy (Government Decision 395/2016, Art. 9, para. 1). The contracting strategy is a document drawn up for each award procedure when the estimated value of the contract is higher than the thresholds established by the regulation. The contracting authority has to document in the contracting strategy the decisions it takes related to: the relation between the object of the contract and the constraints and complexity associated to the procurement contract, the tender procedure chosen, contractual aspects, such as the type of contract chosen and the way to implement the future contract, payment instruments, risk allocation, penalties for non-compliance with contract requirements, justification for the estimated value of the contract. The number of documents the contracting authority has to prepare at this point is reduced compared to GEO 34/2006 (Șerbănoiu, 2016:97-104). Unfortunately the secondary legislation does not require a proof of sustainability considerations taken into account by the contracting authority when approving the contracting strategy.

#### *b) Organization of procedure and awarding of contract/framework agreement*

This second stage begins with the transmission of the tender documentation to SEAP and it ends with awarding the contract. The award phase has to be a solid foundation for a good performance of the contract.

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<sup>3</sup> Published in the Official Gazette, Part I, No. 390, 23.05.2016

And this leads to the third stage:

c) Monitoring and implementing the contract/framework agreement

The most emphasis exists on the organization of procedure and awarding of contract/framework agreement, rather than the pre-procurement phase and the monitoring and implementing of the public procurement contract. When talking about sustainable procurement, strategic decisions taken in the pre-procurement phase are of tremendous importance. This requires extensive planning, thorough needs assessment and careful preparations in the planning phase. The final stage of the public procurement process, namely the monitoring and implementing the contract/framework agreement is equally important. This stage is considered to be composed of all actions that are related to the monitoring of the contractors' performance, the suppliers and services providers activity in order to check whether they meet the contract criteria.

### *3.2 GPP in pre-procurement phase*

Each stage offers opportunities to take environmental issues into account. Techniques such as life-cycle costing, specification of sustainable production processes, and use of environmental award criteria are available to help contracting authorities identify environmentally preferable bids (COM(2016)).

The life-cycle cost can be an important tool that may contribute to the reduction of environmental impact and also provide for overall financial savings for purchases made by public authorities. By referring to life-cycle costing the contracting authority has to take into consideration all the costs that will be incurred during the lifetime of the product, work or service, not just the purchase price. Life-cycle cost has several components: purchase price, other costs (delivery, installation), operating costs (energy, fuel, water use, maintenance, cost for replacement parts), disposing costs. Cost of externalities (such as greenhouse gas emissions) may also be included in the life-cycle costing. When life-cycle costing is included in a specific procedure the calculation method and the data that need to be provided by the tenderers must be set out in the procurement documents. The same transparency rule has to be applied for assigning costs to environmental externalities. By using life-cycle costing, green products/works/services may prove to be overall cheaper than conventional ones.

The contracting authorities have the possibility to specify the use of a certain sustainable production process. They have to make sure that the conditions are not set in such a manner as to reserve the contract to certain undertakings. The specific production process must not be discriminatory. The principle of non-discrimination is respected by giving the same opportunity to bid and get the award of the public procurement contract to any economic operator, from any member state. The contracting authority must guarantee that non-discrimination is maintained among tenderers in all stages of the public procurement procedure and regarding all elements. For instance, the technical

prescription could refer to electricity produced from renewable energy sources. But requiring solar-energy could be seen as discriminatory, as it excludes other green electricity such as wind or hydro-energy.

As discussed above, in order to assist and help contracting authorities in identifying and procuring greener products, the Commission has developed 21 GPP criteria for product and service group. The existence of these criteria is helpful for contracting authorities as they have the possibility to include them in the tender documentation. In addition to these GPP criteria, many environmental labels were created: e.g: EU Ecolabel, Nordic Swan, Blue Angel. They are helpful in identifying sustainable products or services. However, contracting authorities must be careful especially when they use national Eco-labels in order to make sure the contract is not reserved to national/local economic operators. It should provide for equivalence or accept other means of proof, such as test reports.

### *3.3 Selection and exclusion of tenderers*

During the award phase of the contract, the rules regarding exclusion and selection are intended to ensure a minimum level of compliance with environmental law by contractors and subcontractors involved in the execution of public contracts.

The Procurement Directive from 2014 requires the contracting authority to verify whether it is appropriate for a certain economic operator to participate in the public procurement procedure by checking the existence of grounds for exclusion that may apply for that particular tenderer. The Directive sets a series of mandatory exclusion grounds and others that are optional. The grounds set as discretionary mainly concern past misconduct, integrity, financial capacity of an economic operator, non-compliance with environmental, social or labor law.

The Directive considers that these optional exclusion grounds should be left at the discretion of the contracting authority that should assess their existence on a case-by-case basis. The Romanian legislature has transformed all nine optional exclusion grounds set by the Directive into mandatory ones. Basically the non-mandatory exclusion grounds provided by article 57(4) of 2014/24 Directive have been verbatim reproduced and included in article 167 of Law 98/2016, but considered as mandatory grounds for exclusion. The stricter approach of the Romanian legislator may be justified by the need of the contracting authority to assess the ability of the economic operator to actually execute the contract. It can be seen as a way of protecting the contracting authority from entering into a contract with an economic operator that brings a high risk of failing to perform the contract.

Non-compliance with environmental, social or labor law was transformed by the Romanian procurement rules into a mandatory exclusion ground.

The exclusion grounds and environmental and social rules set out in Article 18(2) must be assessed by contracting authorities not only in case of tenderers, but also for subcontractors.

Article 71 from the Directive (“Subcontracting”) begins with the obligation of the Member States to insure through their national competent authorities that subcontractors comply with environmental, social and labor rules. Article 71(1) contains a rather general statement that compliance by subcontractors with the Article 18(2) obligations is to be insured “by appropriate action by the competent national authorities” (A. Semple, 2016:112). In case the economic operator relies on subcontractors, the last ones have to fulfill the relevant selection criteria and comply with the exclusion grounds, as well as with the environmental and social rules set out in Article 18(2). This is just the starting point of further stipulations that are found in the Directive in order to provide transparency in relation to subcontractors.

According to the Directive, the observance of Article 18(2) is a strict obligation in subcontracting. This means that subcontractors in a contract for services, supplies or works must respect the social, environmental and labor law dimensions (E. Van den Abeele, 2014:21). It comes natural that these requirements apply to all subcontractors in the same way as to the main contractor. It belongs to the duty of the Member States to determine how to meet this requirement.

As provisions related to the said objectives are mandatory to be included in the transposing legislation they are found in article 55(2) from Law 98/2016. The regulation closely follows the requirement of the Directive. Compliance with the legal obligation in the environment, social and labor fields established by European legislation, national legislation, collective agreements or treaties or international agreements in this area are mandatory both for subcontractors and for tenderers.

### *3.4 Contract awarding*

As discussed above environmental requirements may be seen in a number of ways: as technical specifications, as a reason for exclusion, as a condition of participation. They can also be included as a criterion for the award of a contract or as a specific contractual provision.

At the award phase the contracting authority must evaluate the quality of the tenders and compare the costs. If the Directives from 2004 allowed for the lowest price criteria to be used in awarding a public contract, under 2014 Directive the sole awarding criteria is most economically advantageous tender (MEAT). The price of the offer will form part of the assessment in any procedure, but the price may be calculated on the basis of lifecycle costs. Cost-effectiveness refers to a combination of elements: price, costs and non-economic criteria. From the point of view of the contracting authority, beyond costs, the value of the tender can be influenced by a wide range of factors. This may very well include environmental aspects.

As the CJEU stated in *Concordia Bus Case*, as long as the award criteria is linked to the subject-matter of the contract it is not mandatory for each criterion to give an economic advantage to the contracting authority (Case C-513/99). Sustainability considerations, such as renewable or ecological products can be considered as awarding criteria. The award criteria are weighted and scored. The scores will reflect the degree to which a tender exceeds the minimum specifications (Sigma, 2011:6). The tenders offering better environmental performance can be given more points. If in case of award criteria the tenders get marks, quite on the contrary, the technical specifications are assessed on a pass/fail basis.

### 3.5 Contract performance clauses

In what concerns the last phase of the procurement process, one novelty regarding the performance of contracts that deserves to be emphasized is the possibility foreseen for the contracting authorities to “lay down special conditions relating to the performance of a contract” as long as they are linked to the subject-matter of the contract, and provided that they are not-discriminatory. The EU regulation clarifies in Art. 70 that those conditions may include economic, innovation-related, environmental, social or employment-related considerations provided that these have been foreseen in the initial procurement documents. The contracting authority must be extremely careful in drafting these clauses in order to make sure that they are not discriminating directly or indirectly the non-national tenderers. In *RegioPost*, the Court clearly upheld the idea that a bidder could be excluded for failing to provide a declaration that it would comply with a contract performance condition (A. Semple, 2018:88).

Contracting authorities have a broad range of possibilities for including environmental considerations in contract performance clauses. For supply contracts specific environmental clauses could be included in what concerns delivery of the goods. For example: packaging of goods in bulk rather than by single unit, delivery of goods in re-usable containers, requiring the supplier to recover/re-use the packaging material. For provision of works or services the contracting authority could impose the application of specific environmental management measures, such as ISO 14001, reduction of CO<sub>2</sub> or other greenhouse gas emissions associated with transport, efficient use of resources.

Modifying an existing contract is an efficient way of greening the contract. Or quite on the contrary, by modifying the contract environmental requirements may be eliminated. For contracts outside the public procurement rules, the parties enjoy the freedom of modifying the contract as they seem fit as long, as they manage to reach an agreement regarding the said amendment. In public procurement contracts, the parties have to settle with less efficiency and effectiveness, in exchange for competition and transparency (R.D Olivera, 2015:35).

For the first time, a EU Directive on public procurements regulates explicitly the contract performance, breaking the taboo of shifting the boundaries of EU

competence beyond the award or the conclusion of the contract, even if, the CJEU had already crossed the bridge between award and performance of public contracts (M. E. Comba, 2014: 332). The general rule is that the parties of a public procurement contract: the contracting authority and economic operator are not allowed to agree upon modifying an existing contract. The alteration of an existing contract by an agreement concluded between the contracting authority and the economic operator represents a lost possibility for other economic operators to compete for what may be a new opportunity. Such an agreement to amend the contract will be an infringement of the principles of transparency and equal treatment. The procurement rules aim to prevent such a behavior. As modification to an existing contract can be necessary, the Directive explicitly regulates the circumstances that can be considered as safe harbors when the amendments are permitted and there is no need to go through a new procurement procedure.

The Directive recognizes the possibility to modify the contract, where it is expressly provided for, in a review clause set out in the original procurement documents. It is therefore important that the contracting authority is aware of the legal boundaries of amending existing contracts, and, when preparing the tender documents, seeks to create as much flexibility as possibly in order to provide for the possibility of subsequent changes (K. H. Morten, W. Liljenbøl, 2013:56). It is recommended to include review clauses in the procurement documents as the need for more sustainable products/services may arise during the implementation phase of public contracts, especially in long term ones.

### *3.6 Contract performance monitoring*

But having environmental considerations in the pre-award phase and in the contract is effective only when compliance is properly monitored. An effective and efficient procurement process is vital. Following the conclusion of a public procurement contract, the contracting authority cannot just leave the agreement running its course. The contract must be managed in such a way to make sure that both the economic operator and the contracting authority meet their obligations as efficiently and effectively as possible.

It is highly important for the contracting authority to ensure proper mechanisms in order to evaluate the way the contractors, suppliers and service providers fulfill their contractual duties. These mechanisms shall help the contracting authority to take the necessary actions in order to remedy in a prompt manner any deficiencies that may appear during the execution of the contract. We consider that one cannot underestimate the importance of this administration of the contract as opposed to the awarding, as each has its specific purpose and the management of the contract phase actually reinforces the awarding stage. The award phase and the contract management phase should be seen as a continuum, rather than distinct phases, with contract management planned for from the start of the procurement process.

## Conclusions

As discussed above, European and national regulation on public procurement encourage environmental protection. There is a long and rich history of promoting secondary objectives, especially social considerations, through public procurement (M. Trybus, 2010: 296). The Directive places a strong emphasis on compliance with environmental and social laws for all economic operators involved. It favors social welfare and environmental protection.

As Caranta underlined legislation is not everything (2013, 49:54). There are many obstacles in implementing GPP in a successful manner: the perception that green products /services are more expensive than conventional ones (one does not take into consideration the entire life-cycle cost), the lack of knowledge on integrating environmental standards in their procurement processes is a yet another barrier as GPP requires specialized knowledge and skilled public officials and last, but not least is the lack of monitoring mechanism to assess whether the goals of GPP are achieved.

Bottom-up models, namely procurement practices initiated by contracting authorities at central or local level could inspire national rules. The European Commission included a case study on the procurement of hybrid electric buses by the City of Oradea (GPP in Practice, 2021:102). The goal of the procurement was to reduce the harmful environmental impact of public transport vehicles.

While local approach has become common practice in Scandinavian states, in our country, in general, we see a lack of focus of the contracting authorities on sustainable development, the key criterion in awarding contracts being the price in a broad sense (R. Cazan, 2014:4). As Dragoș, Neamțu underlined, even though secondary objectives such as environmental considerations should be included in the overall evaluation of the most economically advantageous tender, in Romania there are instances where environmental considerations accounted for only 4 per cent of criteria used (2010:227).

Public procurement entities must make adjustments for a satisfactory integration of environmental considerations in public procurement today. As Bauer and others emphasized, the softer and more dynamic implementation of GPP compared with legal and economic instruments is identified as a major advantage.

For reaching this goal strong leadership and visions are required. In most cases technical specification is included in voluminous documents and especially with repeated purchases contracting authorities just use the same specifications over and over again. Procurement officers should be trained and help should be provided by state institutions in order to build „green” technical specifications. As Ciumara, Lupu research underlined there is a lack of specific information and training at the level of local administrations in what concerns green public procurement (2020:12).

In order to reach the end of switching to a green procurement there is the need for support for the public entities. Many contracting authorities lack the human resources and/or competence and knowledge to perform those very important tasks, which can allow environmental/sustainability policies to go unfulfilled, national environmental goals to be missed and unfair competition (OECD, 2015:36). Of tremendous importance is the necessity to establish professionalism in public procurement and to take the needed steps to ensure that public officials have the required skills, knowledge and integrity.

A National Plan for Green Procurement would encourage and support central and local authorities to introduce environmental clauses in their procurement contracts. Most likely this will not happen on a voluntary base. It seems that a better solution in Romania remains the regulation of GPP with mandatory targets. The mandatory targets could be reflected in specific technical requirements in the specifications, in the introduction of specific award criteria and/or implementing clauses in favor of environmental progress.

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