

# **Sustainable Public Procurement Under EU Law**

**New Perspectives on the State  
as Stakeholder**

**Edited by Beate Sjøfjell  
and Anja Wiesbrock**



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# Sustainable Public Procurement Under Law

**Colleen Theron, Malcolm Dowden**



## **Sustainable Public Procurement Under Law:**

**Sustainable Public Procurement under EU Law** Beate Sjøfjell, Anja Wiesbrock, 2015-12-03 This book examines the effectiveness of the modernisation of EU public procurement law in light of the overarching treaty goals on sustainability Contributors expertly cover core issues of public procurement including life cycle costing LCC eco and fairtrade labels the link to the subject matter LtSM requirement the mandatory horizontal rule on environmental and social legal compliance and framework agreements Also explored are the balancing of economic and non economic objectives implied in sustainable public procurement The volume moves on to identify major unresolved issues in the use of sustainability considerations and highlights challenges and possibilities for the national implementation due to take place in 2016 The book contributes to the dismantling of the compartmentalisation that underpins unsustainable policy decisions by discussing the interface of company law and public procurement law and the implication of the new rules on sustainable public procurement for sustainable companies and specifically for small and medium sized enterprises SMEs

**Sustainable Public Procurement Under EU Law** Beate Sjøfjell, Anja Wiesbrock, 2015 This book examines the effectiveness of the modernisation of EU public procurement law in light of the overarching treaty goals on sustainability Contributors expertly cover core issues of public procurement including life cycle costing LCC eco and fairtrade labels the link to the subject matter LtSM requirement the mandatory horizontal rule on environmental and social legal compliance and framework agreements Also explored are the balancing of economic and non economic objectives implied in sustainable public procurement The volume moves on to identify major unresolved issues in the use of sustainability considerations and highlights challenges and possibilities for the national implementation due to take place in 2016 The book contributes to the dismantling of the compartmentalisation that underpins unsustainable policy decisions by discussing the interface of company law and public procurement law and the implication of the new rules on sustainable public procurement for sustainable companies and specifically for small and medium sized enterprises SMEs

**Sustainability in Public Procurement, Corporate Law and Higher Education** Lela Melon, 2023-12-12 Contemporary changes in law and policy at the global level to efficiently answer to environmental and social issues correspond to the traditional approach of limiting the regulatory and policy changes to a singular field or discipline tackling the inherent unsustainability of corporate laws or incentivising the offering of sustainable finance to stimulate the transition towards sustainable practices This book provides a new viewpoint and approach of simultaneously regulating seemingly non connected fields in order to provide a fertile ground for a truly organic change towards sustainable outcomes It addresses diverse questions of sustainable transition of the three specific fields to support sustainable practices in public procurement private market transaction and in educating future business leaders and legal experts by incorporating sustainable concerns as the underlying guiding principles of their conduct It translates scientific findings into a practical format that can be used by diverse stakeholders searching for information and solutions in their respective professional fields

The underlying assumption is that a simultaneous action in the three respective fields of public procurement corporate law and higher education brings about more coherent and interconnected results that incentivise further action and changes towards sustainable practices The book furthers the idea of policy coherence by building upon the findings in the field of public procurement corporate law and practice and higher education curricula By identifying the barriers in the three respective fields for sustainable action and proposing solutions for either eliminating or minimising those barriers at the EU level the book calls for further changes in the respective fields as well as for considering the spillover effects of these policies on other fields

Cost and EU Public Procurement Law Marta Andhov, Roberto Caranta, Anja Wiesbrock, 2019-09-19 Public institutions companies and governments in the EU and around the world are increasingly engaging in sustainable public procurement a broad concept that must consider the three pillars of economic equality social welfare and public health and environmental responsibility when designing public tenders and finalizing government contracts This book contributes to the development of life cycle criteria tools and methodologies for public procurement in the EU It collects both sector crossing contributions analysing the most relevant theoretical and legal aspects including both EU law and contract theory and sector specific contributions relating to some of the most important sustainable goods and services markets The book starts with a chapter that discusses the different approaches to including sustainability considerations in buying decisions by both private and public purchasers and then goes on to examine the EU law on LCC and how it is implemented in different Member States These chapters address the challenges in balancing economic and sustainability objectives under EU internal market law One chapter develops the analysis with specific reference to public private partnership Another chapter elaborates how multi stakeholders cooperation is necessary to develop LCC based on a case study of a lighting services procurement Three sector specific studies relating to social housing textile and clothing and IT close the book With contributors from a range of backgrounds including law business management engineering and policy development this interdisciplinary book provides the first comprehensive study on LCC within the framework of EU public procurement law

Public Procurement and Labour Rights Maria Anna Corvaglia, 2017-09-21 This book investigates patterns of fragmentation and coherence in the international regulatory architecture of public procurement In the context of the major international instruments of procurement regulation the book studies the achievement of social and labour policies the most controversial and problematic instrumental uses of public procurement practices This work offers an innovative comparative approach discussing the ways in which the different international instruments namely the EU Procurement Directives the WTO Agreement on Government Procurement the UNCITRAL Model Law and the World Bank's Procurement Framework are able to implement labour and social purposes and at the same time ensure a regulatory balance with the principles of efficiency and non discrimination Scholarly rigorous and timely this will be important reading for international trade lawyers and procurement practitioners

**Mandatory Sustainability Requirements in EU Public Procurement Law** Willem

Janssen,Roberto Caranta,2023-10-05 This book provides the first comprehensive appraisal of the paradigm shift towards mandatory sustainability requirements in EU public procurement law Traditionally EU public procurement law focused on how to buy dictating procedural rules so that public buyers in the Member States did not discriminate against suppliers and service providers from other Member States Mandatory green and social requirements mean that with a view to achieving sustainable development goals and mitigating climate change the EU will limit this discretionary power for public buyers pushing them to acquire more sustainable goods and services Based on legal analysis informed by economic perspectives the book aims to contribute to an understanding and critical discussion of the EU legislator s move towards regulating what to buy The book discusses the role of the Public Procurement Directives in relation to this paradigm shift as well as various other sectoral legislative instruments that have been revamped or newly introduced in light of the European Green Deal The paradigm shift is analysed from different perspectives including subsidiarity alternative regulation economics and public purchasing The book includes novel sectoral studies on transport food clothing and construction discussing how change is taking place and what its major challenges are for the future Chapters on Italy the Netherlands Spain and more offer case studies of Member States that have already introduced mandatory requirements and highlight lessons learnt This is an essential book for professionals working with public procurement law in academia and practice and to those engaged in achieving public policy objectives in light of climate change and social injustice

#### **Sustainable Public Procurement**

Anastasia O'Rourke,2013 With governments responsible for significant portions of national spending the promise of including sustainability considerations into that spending can enable policy makers to lead by example with sustainable public procurement SPP The report examines the state of sustainable public procurement policies and practices being undertaken by national governments worldwide in the last five years The research included a comprehensive literature and desktop review 19 interviews six country case studies and a survey of 273 SPP experts worldwide The objective was to create a baseline analysis that examines the evolving field of SPP and the drivers barriers needs and opportunities in SPP

#### **Using Contracts to Further Sustainability? A Contract Law Perspective on Sustainable Public Procurement**

Anna Beckers,2019 The starting point of this contribution is the contractual character of public procurement and how contract design and contract law influence sustainable public procurement practices The specific question addressed is whether and to what extent the further development of sustainable public procurement can benefit from the experiences of how private parties engage in sustainable procurement It is argued that there are several aspects in which the practice between private actors is helpful for public procurement The chapter starts by defining sustainable contracting as an instrument to regulate and to enforce existing laws and proceeds by focusing on the way in which this form of regulation and enforcement differs from traditional regulation by public laws in its scope content duration and enforcement The core part is then devoted to analysing to what extent attempts by private actors to improve regulation and enforcement by contract to further

sustainability should influence the development of sustainable public procurement The two main aspects focused on are the specific contract design employed by private actors for sustainability clauses and the proposals in the scholarly debate for changes in contract law with a view to the capturing of this form of contracting

*Strategic Sustainable Procurement* Colleen Theron, Malcolm Dowden, 2017-09-08 Procurement is playing an increasingly strategic role as a lever for sustainable development and social and environmental responsibility Greater regulation on sustainable procurement in the public sector including significant changes to the EU Directive in April 2014 are driving this change This comprehensive guide to sustainable procurement by practising legal experts Colleen Theron and Malcolm Dowden distils key developments in EU and UK public sustainable procurement legislation government guidance and policy provides an introduction to sustainable procurement more broadly provides case studies and practical examples on contractual aspects of procurement shows you how to set up a sustainable procurement strategy and contributes to the development of sustainable procurement policy There is also increased emphasis on clean supply chains in the private sector as best practice seeks to mesh with public sector requirements and reduce the risk that bids for public contracts might be undermined by adverse environmental impacts or social misconduct along the supply chain Private sector companies should act now to establish best practice sustainable procurement principles to minimize the risk of litigation several international standards are embedding the principles of sustainable procurement into their requirements The book also offers practical examples of what sustainable procurement entails whether the organization is bidding for public sector contracts in need of meeting tender requirements looking to obtain certification for a standard or is simply seeking to improve its supply chain management and implement best practice

**Mandatory Sustainability Requirements in EU Public Procurement Law** Willem Janssen, Roberto Caranta, 2023-10-05 This book provides the first comprehensive appraisal of the paradigm shift towards mandatory sustainability requirements in EU public procurement law Traditionally EU public procurement law focused on how to buy dictating procedural rules so that public buyers in the Member States did not discriminate against suppliers and service providers from other Member States Mandatory green and social requirements mean that with a view to achieving sustainable development goals and mitigating climate change the EU will limit this discretionary power for public buyers pushing them to acquire more sustainable goods and services Based on legal analysis informed by economic perspectives the book aims to contribute to an understanding and critical discussion of the EU legislator's move towards regulating what to buy The book discusses the role of the Public Procurement Directives in relation to this paradigm shift as well as various other sectoral legislative instruments that have been revamped or newly introduced in light of the European Green Deal The paradigm shift is analysed from different perspectives including subsidiarity alternative regulation economics and public purchasing The book includes novel sectoral studies on transport food clothing and construction discussing how change is taking place and what its major challenges are for the future Chapters on Italy the Netherlands Spain and more offer case

studies of Member States that have already introduced mandatory requirements and highlight lessons learnt This is an essential book for professionals working with public procurement law in academia and practice and to those engaged in achieving public policy objectives in light of climate change and social injustice *Sustainable Public Procurement as a Driver for Sustainable Companies? The Interface Between Company Law and Public Procurement Law* Beate Sjøfjell, 2018 This chapter discusses the relationship between public procurement and company law within the context of the overarching EU objective of sustainable development The EU recognises the importance of business to achieve sustainability and the relevance of public procurement law as a policy strategy instrument in this context but it does not yet fully recognise the importance of company law Reform of public procurement law is seen as an essential part of the EU's 2020 Strategy with public procurement being mentioned several times as a potential driver to stimulate innovation and resource efficiency and as an integral part of an industrial policy for a global low carbon economy While public procurement is also mentioned as a tool to ensure efficient use of public funds company law is only regarded in the economic context as something to be simplified to facilitate single market access for SMEs and encourage entrepreneurship However company law does have a crucial role to play in the transformation towards sustainability because it provides the legal framework for the internal workings of the company including its decision making Indeed the argument can be made that without a reform of the legal infrastructure for the internal decision making in companies sustainability is very difficult if not impossible to achieve This Chapter draws on a research based reform proposal for EU company law and corporate governance The Chapter proceeds with a brief presentation of the reform proposal for sustainable companies and discusses the potential role of public procurement in that context On this basis the Chapter considers whether ideas from the reform proposal can be promoted by public procurement as a potential front runner and a driver for the necessary transformation of business identifying possibilities but also significant limitations The Chapter then goes on to discuss whether there are any lessons to be learned for public procurement from the insights derived from international company law research on how to internalise environmental and social externalities in the decision making in companies and conversely whether innovative approaches in the new public procurement directives can inspire a further development of the reform ideas for company law itself The chapter concludes with some reflections on the interaction between public procurement law and company law

*Proceedings, UNECE/FAO Policy Forum*, 2006 **Sustainable Public Procurement of Infrastructure and Human Rights** Olga Martin-Ortega, Laura Treviño-Lozano, 2023-03-02 This innovative book addresses the links between sustainability and human rights in the context of infrastructure projects and uncovers the human rights gap in every stage of public procurement processes to deliver on infrastructure assets or services *Sustainable Consumption and Production in South East Europe and Eastern Europe, Caucasus and Central Asia* European Environment Agency, 2007 Recoge 1 Background scope and methodology 2 Broad trends in production and consumption 3 Policies supporting SCP 4 Industry 5 Food 6

Buildings 7 Transport 8 Waste 9 Way forward Annex 1 Responses to the questionnaire survey on policies on sustainable consumption and production

**Trade Policy Review - Ghana** World Trade Organization, 2014-09 Monitoring the trade policies and practices of members is a fundamentally important activity of the World Trade Organization All WTO members are reviewed at regular intervals according to their share of world trade Each Trade Policy Review consists of three parts a report by the government under review a report written independently by the WTO Secretariat and the concluding remarks by the chair of the Trade Policy Review Body A highlights section provides an overview of key trade facts Fifteen to twenty new review titles are published each year

**Sustainable Food Procurement** Mark Stein, Maurizio Mariani, Roberto Caranta, Yiannis Polychronakis, 2024-02-23 The book examines sustainable food procurement policy and practice in the European Union and beyond exploring the extent to which sustainability objectives have been achieved and evaluating the new developments taking place at both EU and national levels While there is a growing recognition that public authorities can use public procurement as a policy tool to pursue multiple environmental health and socio economic objectives contracting authorities still face many challenges This volume investigates the scope for pursuing sustainable objectives in public procurement of food and catering services examining different regulatory contexts and organisational models to answer the overall question of how to integrate sustainability concerns into the various phases of public food procurement processes Contributions in the book examine the policy and legal procurement framework and practices for sustainable public catering in three EU Member States Italy France and Spain There is a comparative survey of the Baltic Region including Denmark Estonia Finland Poland and Russia and moving beyond the EU there is examination of the UK and Brazil as well as a cross country comparison of the UK with Denmark and Sweden Drawing on the expertise of an interdisciplinary and intersectoral team of contributors allows the book to benefit from the insights of different disciplines including business sciences anthropology and law Tapping into the global discussion on public food procurement as a means to achieve multiple social and environmental goals this work will stimulate readers looking for new creative ways to create value through public food purchasing This book will be of great interest to students researchers policymakers and public and private sector representatives interested in public procurement food policy and law sustainable food sourcing and supply chain management

**Transnational Corporations and Human Rights** Olivier De Schutter, 2006-09 This volume offers a systematic overview of the different tools through which the human rights accountability of transnational corporations may be improved It first examines the responsibility of States in controlling transnational corporations emphasizing both the limits imposed by the protection of the rights of investors under investment treaties and the potential of the US Alien Tort Claims Act and other similar extra territorial legislations It then turns to self regulation by transnational corporations through the use of codes of conduct or international framework agreements It then discusses recent attempts at the global level to improve the human rights accountability of corporations by the direct imposition on corporations of obligations under



international law Finally it considers the use of public procurement policies or of conditionalities in the lending policies of multilateral lending institutions in order to incentivize TNCs to behave ethically Altogether the book offers a rigorous legal analysis of these different developments and critically appraises their potential Sustainability in Public Procurement, Corporate Law and Higher Education Lela Melon, 2023-12-12 Contemporary changes in law and policy at the global level to efficiently answer to environmental and social issues correspond to the traditional approach of limiting the regulatory and policy changes to a singular field or discipline tackling the inherent unsustainability of corporate laws or incentivising the offering of sustainable finance to stimulate the transition towards sustainable practices This book provides a new viewpoint and approach of simultaneously regulating seemingly non connected fields in order to provide a fertile ground for a truly organic change towards sustainable outcomes It addresses diverse questions of sustainable transition of the three specific fields to support sustainable practices in public procurement private market transaction and in educating future business leaders and legal experts by incorporating sustainable concerns as the underlying guiding principles of their conduct It translates scientific findings into a practical format that can be used by diverse stakeholders searching for information and solutions in their respective professional fields The underlying assumption is that a simultaneous action in the three respective fields of public procurement corporate law and higher education brings about more coherent and interconnected results that incentivise further action and changes towards sustainable practices The book furthers the idea of policy coherence by building upon the findings in the field of public procurement corporate law and practice and higher education curricula By identifying the barriers in the three respective fields for sustainable action and proposing solutions for either eliminating or minimising those barriers at the EU level the book calls for further changes in the respective fields as well as for considering the spillover effects of these policies on other fields *Public Procurement and Human Rights* Olga Martin-Ortega, Claire Methven O'Brien, 2019 This timely work reflects on the role and obligations of the state as a buyer of goods and services from the dual disciplinary perspectives of public procurement and human rights Through theoretical and doctrinal analyses and practice focused case studies it interrogates the evolving character of public procurement as an interface for multiple normative regimes and competing policies Challenging the prevailing paradigm which subordinates human rights to narrowly defined economic goals insightful contributions advance a compelling case for greater inter disciplinary and policy coherence as crucial to realising international policies such as those embodied in the UN Guiding Principles on Business and Human Rights and 2030 Sustainable Development Goals Environmental Performance Reviews United Nations Publications, 2018 The present publication contains the Environmental Performance Review of Mongolia The report takes stock of progress made by the country in the management of its environment since 1987 It covers legal and policy frameworks compliance assurance greening the economy environmental monitoring public participation and education for sustainable development Furthermore the EPR addresses issues of specific importance to the country related to air

protection biodiversity conservation as well as water waste and land management It also examines the efforts of Mongolia to integrate environmental considerations in its policies in the forestry and health sectors and highlights the progress achieved in the management of disaster risk associated with natural and man made hazards The review further provides a substantive and policy analysis of the country s participation in international cooperation on the environment with a specific focus on the three Rio Conventions Publisher s description

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