



CATOLICA

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Promoting Sustainable Development and the green transition through Public Procurement

Portuguese solutions regarding waste management and climate protection

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Promoting Sustainable Development...

- **Green Public Procurement (“GPP”) is expressly acknowledged, in a broader level, as an important “weapon” to fight climate change...**
 - Public procurement directives (2014)
 - European Green Deal (2019)
 - European Climate Framework Law (2021)

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- **In the last few years, Portugal approved several legal frameworks regarding the GPP**
 - Public Contracts Code (revised in 2021);
 - Waste Management regime (2020);
 - Climate Framework Law (2021);

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- **Public Contracts Code (revised in 2021)**
 - Compliance with environmental regulations (art. 1-A)
 - Tender specifications may include environmental aspects (art. 42)
 - These aspects may be included in the evaluation of bids (art. 75)
 - Costs shall be seen in a life-cycle cost perspective (art. 75)
 - Candidates in limited tenders may be required to show their ability to implement environmental management measures during the performance of the contract (art. 165)

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- **Waste Management regime** (*Decree-Law no. 102-D/2020 of 10 December*)
 - Sustainable public procurement shall be used to incentivize a better waste management and the use of recycled products and materials (art. 7)
 - Environmental criteria and waste prevention measures may be adopted in tenders and public contracts (art. 17)
 - Awarding criteria must favor bids that foresee the supply and/or use of products that generate less waste or that may be reused (art. 25)
 - At least 10% of materials used in the construction or maintenance of infrastructures shall be recycled (art. 28)

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- **Climate Framework Law** (*Law no. 98/2021 of 31st December*)
 - Basic principles of the climate policy, aligned with *European Climate Strategy*: transition to climate neutrality; climate fairness; sustainable path towards greenhouse gas emissions; promotion of renewable sources of energy; circular economy promotion; climate safety promotion; climate resilience; fight climate poverty; public-private cooperation 13th SDG, target 1; 1st SDG, target 5; 2nd SDG, target 4; 11th SDG, target 11.b
 - The new concept of Climate citizenship – the role of the concept of duty;
 - Public procurement as one of the ways to public administrative bodies pursue climate goals: sustainable criteria for the goods and services acquisition and the duty to consider local economy in those criteria;
 - technical specifications and/or factors in award criteria related to energy consumption both at the production stage and use stage; the assessment of energy spent in supply chain; the use of LCC and circular factors

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- **Linked to UN SDG:**
 - Waste law – 11th SDG goal, target 6th ; 12th SDG, 3rd, 4th and 5th targets; indicators;
 - Climate Framework Law – 13th SDG and its five targets;
- **Soft Law and regulations**
 - National Strategy regarding the transition from linear to circular economy – PP as a tool;
 - National Green Public Procurement Strategy – 12 Manuals – one is related to waste
 - Draft legislation – future (?) Law of Circular and Green Public Procurement

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- **In conclusion, Portugal has several regimes that enforce the role of GPP**
- **However, the effectiveness of GPP cannot rely only on the legal framework...**
 - A recent enquiry made by the Audit Court showed that awarding entities are generally not aware of GPP tools and do not know how to properly use them...
 - There's still a long way to go...

- **Now... Let's discuss these topics!**

THANK YOU!

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