



Seminar: «DECARBONIZED PUBLIC PROCUREMENT IN THE EU»

Faculty of Law from the University of Barcelona

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I. INTRODUCTION

- Scope of decarbonization in public contracting.
- Connection between renewable energies and decarbonization.
- The common european legal framework of the Directive 2014/23/EU and 2014/24 of the European Parliament and of the Council of 26 February 2014 on public procurement.

II. THE LEADERSHIP OF THE EU ON CLIMATE CHANGE

- The role of the EU in the fight against the global warming.
- The convergence between the Energy Policy and the Climate Policy in the package *Clean Energy for all Europeans*.
- The *Green Deal* and its reinforcement with the Next Generation Funds after COVID 19 crisis as a bet to the decarbonization of the European economy.
- The approval of the *European Climate Law* (Regulation (EU) 2021/1119) of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999.

III. PUBLIC PROCUREMENT FOR THE COMPLIANCE OF THE CLIMATE CHANGE LEGAL FRAMEWORK

- The use of the public procurement as a way to check the compliance of the legal duties concerning to the climate change.
- Prohibitions to contract in the case of ecological crimes or very serious administrative offenses related to climate change (Art. 57.4 a) Directive 2014/24/EU).
- The exclusion of bidders on abnormally low tenders due the non-compliance of the climate change legislation during the execution of the public contract (Art. 69.4 Directive 2014/24/EU).
- The obligation to check the compliance of the environmental duties during the performance of the contract (Art. 18.2 Directiva 2014/24/EU).

IV. GREEN PUBLIC PROCUREMENT AS A TOOL FOR THE DECARBONIZATION

- The legal rapid consolidation of the green public procurement.
- The key point of the necessary link with the subject-matter of the public contract in the *Concordia* doctrine and in the latest Directive 2014/24/EU (Art. 67.3)
- The relevance of the electricity supplies contract with renewable energie and the difficulties to includes the electricity classification of the economic operators and its voluntary inscription into the Carbon Footprint Record as awards criteria.

IV. GREEN PUBLIC PROCUREMENT AS A TOOL FOR THE DECARBONIZATION

- The chance to include climate conditions into the several procedure of the public procurement and its effects.
- The inclusion of climate change conditions in others public contracts (Building, vehicles, illumination, catering, etc...).
- Life-cycle costing and the cost of emissions of greenhouse gases as environmental externalities (Art. 68.1 Directive 2014/24/EU).
- The issue of the absence of appropriate objective tools.

Thank you very much for your attention