

SUSTAINABLE DEVELOPMENT IN LAW AND POLITICS: ROADMAP FOR ACHIEVING THE GOALS OF SUSTAINABLE DEVELOPMENT OF THE UNITED NATIONS

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THE ROLE OF THE PUBLIC PROCUREMENT IN THE CONCEPT OD “SUSTAINABLE DEVELOPMENT”




УНИВЕРЗИТЕТ
ГОЦЕ ДЕЛЧЕВ
ПРАВЕН ФАКУЛТЕТ



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Scientific stimulus and motivation?

- Huge impact of the public procurement on the economy on the national, EU or International/global level; 
- Public procurement is one of the largest expenditure areas of governments around the world;
- Public procurement as an instrument in the hands of the government, can be use for achieving many different goals in the broader context;
- Public procurement as a tool related to >

Green procurement
Sustainable
development
Criminal activities
Competition rules

**Main
points of
the
research**

public
authorities
spend
around 14%
of their GDP
(around €2
trillion per
year) on the
purchase of
services,
works and
supplies

Public procurement as an instrument in the hands of the governments?

Advantages

- Public procurement is an instrument in the hands of the governments, that can be used for achieving many different beneficial goals.

Risks

- Public procurement as a tool in criminal activities, violation of competition law, consumer rights, and creation of unfair market for goods and services.

Hypothesis frame

Public procurement can be the most beneficial instrument in ensuring social protection of workers, environmental protection, economic growth and development, and on the other side, it can be the most effective tool for destroying the economy.

The governments cannot reached sustainability if they intervene in the legal framework using tweezers and scissors, cutting and changing parts of the existing legislation.

Procurement and the Agenda 2030 United Nation

**Green
procurement**

Competition law

**Public
procurement**

The role of the criteria in awarding contract and sustainable development

- Quality of the package of the goods
- Scope of the emission of gases
- Environmental standards

Key questions

- Is there a space and hope for progress of the SPP system of procurement, which mean sustainable public procurement?
- What does this system mean?
- What is the relationship between sustainable procurement and the three pillars of the sustainable development
 - Economic pillar
 - Social pillar
 - Environmental pillar
- What is the most proper way to place public procurement in the right place of the society?

- What is the position of the Macedonian legal system and politics regarding sustainable public procurement?
- How many public authorities take into account environmental protection and social care as a criteria for awarding public procurement?
- How many states have environmental protection as a criteria for awarding contracts in their national legislation?

Relevant legal EU frame

- **Directive 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**
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- **Member states shall take appropriate measures to ensure that in the performance of public contracts, economic operators comply with applicable obligations in the fields of environmental, social and labor law established by Union law, national law,**
- **Where contracting authorities intend to purchase works, supplies or services with specific environmental, social or other characteristics *THEY MAY, IN THE TECHNICAL SPECIFICATIONS,* require these conditions.**
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- The most economically advantageous tender from the point of view of the contracting authority shall be identified by using a cost-effectiveness approach, such as life-cycle costing, and *MAY INCLUDE* the best price-quality ratio, which shall be assessed on the basis of criteria, including qualitative, environmental and/or social aspects.

Legal frame of environmental protection through LPP

- **Article 94**
- Environmental management standards
- (1) If the contracting authority requires compliance with certain environmental management standards, it refers to:
 - the environmental management and audit scheme (EMAS) or
 - environmental management standards based on relevant European or international standards confirmed by accreditation or conformity assessment institutions or by relevant European or international bodies accredited for certification.
- (2) As an exception to paragraph (1) of this article, the contracting authority also accepts other equivalent evidence for environmental management measures, if for reasons that cannot be attributed to him as an omission, the economic operator could not within the deadline for submission of the offer/application for participation to obtain the required evidence, provided that it proves that these measures are equivalent to those required in accordance with the applicable environmental management systems or standards.

Conclusions and recommendations:

- effective enforcement of the EU legislation and practices for conducting public procurement procedures in EU countries, is crucial to achieve the desired goal.
- *In concreto*, Republic of North Macedonia should rethink the electronic procedures for public procurement, in a way that all the relevant data for the procurement be transparent and available to the business sector.
- Implementation of new innovative technologies in the procurement procedure, should comply with the reduction of “criminal activities”, and enhance the level of interest of the business sector to participate in the procedures.
- Macedonian government and the relevant authorities should pay attention on this EU process, and focused on the enforcement of these rules, as priority with multiple effects on the procurement system.
- Simple implementation of the EU legal regime in the interior legislation of RNM, is far away from achieving the desired outcomes of this concept.

- Implementing user friendly procurement system;
- Providing standardised public procurement data;
- Last, not least, as a small economy, setting up the concept of digitalization in public procurement, can achieve many other goals, such as: environmental procedure, sustainable development etc.
- Finally, RNM must focus on procuring business sector with knowledge and practice of using cross border public procurement. It is inevitable and necessary for Macedonian business sector.

Thank you for your attention !