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Abstract

**„Green public procurement as an effective instrument in the fight against climate change”**

The subject of this dissertation is the issue of applying legal tools to combat climate change. The tool analyzed in this study is public procurement, specifically the part that considers environmental aspects, i.e., so-called green public procurement. The scientific work was designed to meet the purposes set: to verify whether green public procurement is an adequate economic tool for increasing the achievement of climate goals, to make a comparative analysis of green public procurement in selected legal systems, and to create an effective model of green public procurement, which will be based on the instruments of the discussed legal institution in selected systems.

The considerations undertaken in the dissertation focused on the research hypothesis that strengthening the role of green public procurement in the new Public Procurement Law will contribute to increasing its percentage share in the market and slowing down the progressive climate change. The stated hypothesis is supported by auxiliary hypotheses. Firstly, the importance of green public procurement will increase due to its potential for positive environmental impact and the inflation of mandatory provisions of EU law obliging the public sector to apply pro-environmental solutions. Secondly, Polish legal solutions concerning green public procurement under the new Public Procurement Law are close to the leading green public procurement systems in the European Union. Thirdly, introducing mandatory green public procurement regulations into the Polish legal system will realistically strengthen their role.

The dissertation has been divided into 4 chapters, within which the following research methods are used: dogmatic-legal, comparative-legal, historical-legal, axiological study of law and empirical. The first chapter is devoted to the issue of climate change and the actions that are being taken internationally to curb it. The chapter analyses the current climate situation, the causes, and consequences of climate change, characterizes the concept of sustainable development, reviews international agreements on climate change and sustainable development, as well as characterizes the Intergovernmental Panel on Climate Change, and briefly presents the main conclusions of the reports produced by the Panel. This made it possible

to confirm that the climate situation is highly alarming and that green public procurement is one of the recommended tools to influence the ongoing climate change positively.

The second chapter focuses on the EU level and provides a legal analysis of the main piece of legislation setting the framework for applying public procurement, Directive 2014/24/EU. The analysis also included a selection and brief description of other legal acts that apply to the implementation of green public procurement and EU policy documents setting climate policy, as well as monitoring reports on public procurement in all member states, which EU member states are obliged to create and make available, based on the provisions of the Directive 2014/24/EU. This allowed verification of the legal basis for the functioning of green public procurement in the EU, its actual application by member states, and the approach of the EU institutions to the further development of green public procurement, based on the mandatory nature of the legislation in this area.

Chapter three deals with the Polish green public procurement system. The analysis of this system includes not only the legal regulations that provided the framework for the application of green public procurement but also reports from which the practical, real-world application of the available legal regulations emerges. The Public Procurement Laws of 1994, the 2004 amendment implementing the 2016 directives, and the 2019 law were analyzed. This verified the development path of green public procurement in Poland, the level of its application, and identified barriers to its use.

The fourth and final chapter provides a comparative analysis of the green procurement systems in Italy and Denmark. The analysis is mainly based on the laws setting the framework for the functioning of public procurement in the indicated countries, based on which legal solutions possible to be drawn from and implemented in the Polish legal system were selected, which will have an impact on increasing the share of green public procurement in Poland. The analysis is mainly based on the laws setting the framework for the functioning of public procurement in the indicated countries, based on which legal solutions have been selected that can be drawn from and implemented in the Polish legal system, which will increase the share of green public procurement in Poland. There are include obligatory application of environmental criteria, institutional support, and preferential approach to the use of green public procurement. The dissertation was concluded with a summary and presentation of *de lege ferenda* conclusions concerning further, more effective functioning of green public procurement.