



GREEN PUBLIC PROCUREMENT
in SLOVAKIA to UKRAINE

A study conducted in 2017 assessed the current situation in the legislative field of Ukraine on green public procurement (GPP) issues and the practical application of the norms. The advantages, recommendations, and obstacles for green procurement implementation in Ukraine, as defined by the study, are presented in this paper.

Barriers

The research of the legislative framework of GPP in Ukraine showed that GPP is promoted in Ukrainian legislation mostly on the level of principles and general declarations norms, but it lacks detailed description of the implementation mechanism.

Market researches show that there is very limited amount of green goods, works and services on the Ukrainian market. This could be compensated by imported goods. Though according to the Ukrainian legislation the principle of non discrimination of foreign bidders is declared, usually foreign bidders are limited in access to Ukrainian procurement procedures due to language barrier and requirement of relevant experience. Therefore suppliers who can supply more sustainable goods/works or services do not participate in tender procedures.

Procurers avoid using even those instruments for GPP, which are available in acting legislation (e.g. non-price award criteria) as they are afraid to be accused of misuse of public finances. One of the possible reasons could be that they have low awareness about GPP and its benefits.

Opportunities

Implementing the norms of the Ukraine-EU Association Agreement will give the opportunity for Ukraine to include EU sustainable development and GPP norms to the Ukrainian legislation. Until 2019 the relevant legislation has to be developed and adopted.

Since 2016 the Deep and Comprehensive Free Trade Agreement came into force, according to which many barriers (e.g. many tariffs) were lifted. Therefore it gave possibility for producers and procurers to much bigger market of more intensive trade between Ukraine and EU, including trade of sustainable goods/works/services.

On the national level in Ukraine there is a pilot project of creating the Central Procuring Entity, which would be more professional and perform centralized procurement of typical goods/works/services for public entities. If procurers of this entity will be trained on GPP, they would implement greener choices on everyday level which would increase drastically the number of GPP in Ukraine. So far it has been launched as a pilot project for few ministries and one regional administration.

Recommendations

- 1) First of all the main recommendation is to create favourable legislative framework for GPP in Ukraine. It should include at minimum implementing relevant norms of EU legislation on public procurement with further elaboration of detailed by-laws, which would be clear for most procurers.
- 2) Even before the new legislation is developed and passed some existing components of introducing GPP should be used, like non-price award criteria, qualification criteria.
- 3) Trainings and awareness raising activities for procurers of all levels about GPP and its benefits are crucial alongside with introducing new legislation. Without proper application these norms can remain unused. Therefore it is needed to develop clear and detailed information materials for different types of procurers and products. One of such practical tool could be including information on GPP to information library for procurers (situated at <http://infobox.prozorro.org/>) and managed by the state enterprise, which is managing the public procurement portal.
- 4) Performing a new market research on green products and services which would take into account new trade agreements and new markets of Ukraine.

The study was conducted within the framework of the project **Transferring Experience with Green Public Procurement in Slovakia to Ukraine** supported by the SlovakAid, the development cooperation programme of the Slovak Republic.



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