



FROM EU POLICY TO LOCAL PRACTICE: IMPLEMENTING GREEN PUBLIC PROCUREMENT IN CROATIA

Eva Ružić, Master of Laws, PhD Candidate

University of Rijeka, Faculty of Law
Hahlić 6, 51000 Rijeka, Croatia
eruzic@uniri.hr

Jelena Dujmović Bocka, PhD, Associate Professor

Josip Juraj Strossmayer University of Osijek, Faculty of Law
Stjepana Radića 13, 31000 Osijek, Croatia
jdujmovi@pravos.hr

Dana Dobrić Jambrović, PhD, Associate Professor

University of Rijeka, Faculty of Law
Hahlić 6, 51000 Rijeka, Croatia
dana.dobric@uniri.hr

ABSTRACT

Green public procurement (GPP) has emerged as one of the key instruments through which the European Union seeks to achieve its environmental, climate, and sustainability objectives. By leveraging the purchasing power of the public sector, EU policy aims to stimulate markets for environmentally preferable goods, services, and works, while simultaneously contributing to broader strategic goals such as climate neutrality, circular economy, and resource efficiency. The paper therefore explores the extent to which European framework and policy objectives on green public procurement are reflected in the Croatian legal framework and implemented in procurement practice. The analysis is conducted using a combination of doctrinal legal research, qualitative examination of strategic and policy documents, and empirical data gathered through structured interview with local public authority.

The first part of the paper examines the European legal framework governing green public procurement, in which Directive 2014/24/EU operates as the overarching legal instrument establishing the horizontal legal basis for integration of environmental considerations into public

procurement procedures, complemented by sector – specific legislation. The second part of the paper analyses the Croatian legal framework and the extent to which European standards on green procurement have been transposed into national law and supported by strategic policy documents. Although the application of green procurement criteria is not mandatory for local government units, the authors sought to examine the underlying reasons for their limited implementation. Consequently, the final part of the paper presents findings on implementation at the local level, highlighting key challenges such as limited administrative and financial capacity, insufficient constraints, and legal uncertainty. The paper concludes with recommendations for strengthening the effectiveness of GPP in Croatia.

Keywords: *Croatian legal framework, Directive 2014/24/EU, European Green Deal, Green public procurement, Most economically advantageous tender (MEAT), Recommendations*

1. INTRODUCTION

Green public procurement (GPP) has, over the past two decades, evolved from a policy aspiration into a central instrument of the European Union's regulatory strategy for achieving environmental and climate objectives. By mobilising the significant purchasing power of the public sector, the EU seeks not only to promote the uptake of environmentally sustainable goods, services, and works, but also to reshape market behaviour in line with broader goals of climate neutrality, resource efficiency, and the transition to a circular economy.¹

Despite this strategic repositioning, the legal nature of GPP within the EU remains characterised by a certain degree of ambiguity. While Directive 2014/24/EU establishes the overarching legal framework for public procurement and enables the integration of environmental considerations (most notably through the criterion of the most economically advantageous tender – MEAT), the application of green criteria largely retains a facultative character. This tension between voluntary implementation and emerging expectations of mandatory integration reflects a broader structural challenge within EU public procurement law: the need to reconcile traditional economic objectives, such as competition and cost-efficiency, with increasingly prominent strategic and sustainability-driven goals.²

At the same time, the progressive development of sector-specific regulations and strategic policy instruments, such as the European Green Deal and the Circular Economy Action Plan, indicates a clear shift towards strengthening the role of public procurement as a tool of environmental governance. However, the fragmentation

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Public procurement for a better environment*, COM/2008/0400 final.

² Kuitert, L., *Public Values in Procurement*, in: *Public Procurement, Theory, Practices and Tools*, in: Grandia, J.; Volker, L. (eds.), Palgrave Macmillan, 2023, p. 28.

of the normative framework, combined with the absence of a uniform definition and the uneven application of green criteria across Member States, continues to raise questions regarding legal certainty, coherence, and effective implementation.³ These challenges become particularly evident at the national level, where Member States are responsible for transposing EU directives and operationalising policy objectives within their domestic legal systems. In the Republic of Croatia, the formal alignment of the public procurement framework with EU law, primarily through the Public Procurement Act, provides a solid normative basis for the integration of environmental considerations. Nevertheless, the extent to which these legal provisions translate into consistent and effective practice remains subject to significant limitations. Empirical data indicate a persistent gap between the ambitious objectives set out in strategic documents and their actual implementation, suggesting that the existence of a formal legal framework does not, in itself, guarantee substantive outcomes.⁴

Against this background, this paper examines the relationship between the European legal and policy framework on green public procurement and its transposition and implementation within the Croatian legal system. It seeks to determine whether the existing normative and strategic framework is capable of delivering the environmental objectives it formally endorses, or whether structural deficiencies undermine its effectiveness in practice. To this end, the analysis is structured in three parts. The first part outlines the European legal framework governing green public procurement, with particular emphasis on Directive 2014/24/EU and the evolving body of sector-specific legislation. The second part examines the Croatian normative and strategic framework, assessing the degree of alignment with EU requirements and the coherence of domestic regulatory instruments. Given that the application of green criteria is discretionary for local government units, the question arises as to whether this voluntary nature is the sole factor underlying their infrequent adoption, or if more profound underlying causes exist. Therefore, the third part presents the results of empirical research on the implementation of GPP at the local level, identifying key practical barriers and proposing measures for strengthening both the legal and institutional framework. By combining doctrinal legal analysis with empirical insights, the paper aims to contribute to the broader discussion on the transformation of public procurement from a predomi-

³ Ozelik, N.; Rey-García, M.; Mato-Santiso, V., *Enablers and barriers to European Green Deal implementation: A systematic review and framework proposal*, Sustainable Production and Consumption, Vol. 61, 2025, p. 167.

⁴ An analysis of the available Statistical Annual Reports issued by the Ministry of Economy in Croatia indicates a modest increase in the application of green criteria in public procurement procedures. However, these figures still fall short of the levels envisaged by strategic documents, as well as by national legislation and the European Union (Statistical reports available at: [<https://www.javnabava.hr/statistika-javne-nabave/statisticka-godisnja-izvjesca>]).

nantly economic mechanism into a strategic regulatory tool capable of supporting the EU's environmental and sustainability agenda.

2. EUROPEAN REGULATION OF GREEN PUBLIC PROCUREMENT

The European framework for GPP comprises a set of policies, guidelines, and criteria developed by the European Commission to assist public authorities in purchasing goods, services, and works with a reduced environmental impact. In this context, the framework includes public procurement directives that enable the inclusion of environmental criteria, life-cycle costing, and eco-labels. On the other hand, regulations may also be considered that set specific rules and criteria, defining standards for sustainability and climate change. In addition to the above, the European Green Deal and the Circular Economy Action Plan constitute an important framework as strategic documents.⁵

The abstract of this paper highlights the key directive that represents the foundation for the application of green public procurement. This is Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. It establishes rules on procurement procedures conducted by contracting authorities regarding public procurement contracts and design contests whose estimated value is not less than the thresholds set in Article 4 of the same Directive, and it enables the inclusion of environmental criteria through the “most economically advantageous tender (MEAT).”⁶ According to the Directive, procurement means “the acquisition by means of a public contract of works, supplies or services by one or more contracting authorities from economic operators chosen by those contracting authorities, whether or not the works, supplies or services are intended for a public purpose.”⁷ Another important directive is Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport, and postal services sectors and repealing Directive 2004/17/EC. It enables the use of environmental and innovation criteria.⁸

⁵ European Commission, Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, *The European Green Deal*, COM/2019/640 final.

⁶ The threshold amounts are established in Article 4 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC [2014] OJ L 94 (Public Procurement Directive).

⁷ *Ibid.*

⁸ See Directive 2014/25/EU of the European Parliament and the Council of 6 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC [2014] OJ L 94/243.

At the European Union (hereinafter: EU) level, the application of green criteria in public procurement procedures is still classified as voluntary. However, although a large part of the method and scope of their implementation remains within the domain of the discretionary judgment of individual Member States, it can be argued that a certain general obligation for their application exists, at least to a limited extent. It is considered that green public procurement has the potential to contribute to environmental improvement and the expansion of green technologies.⁹

Specifically, within the framework of general principles contained in Directive 2014/24/EU, which act as horizontal principles in all public procurement procedures within the EU, it is prescribed that 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, collective agreements, or by the international environmental, social, and labor law provisions listed in Annex X.¹⁰ In light of the above, although there is no explicit obligation to implement green public procurement, it can be concluded that there is a certain level of obligatoriness arising from the application of the stated principle, especially in the contract performance phase. In other words, Member States are imposed with an obligation to integrate relevant environmental, social, and labor law standards, but by referring to a broader regulatory framework that regulates the field of environmental protection in detail in the context of the implementation of green criteria relevant to this paper.

Despite this, the European Commission, in its recent reports, points to numerous ambiguities regarding the implementation of the provision in question. It is particularly emphasized that this specific provision, during more than a decade of its practical application, has generated the largest number of open questions in practice by Member States and contracting authorities.¹¹ An additional complexity is the issue of the distribution of responsibility for the implementation of this provision. Namely, although the norm formally obligates Member States to take appropriate measures, national transposition regulations often transfer this responsibility to contracting authorities, who then frequently delegate it to other competent bodies. Consequently, in practice, ambiguities arise regarding who is specifically responsible for ensuring its effective implementation, which ultimately may limit its actual impact. In this context, Altaee points out how procurement

⁹ Aldenius, M.; Khan, J., *Strategic Use of Green Public Procurement in the Bus Sector: Challenges and Opportunities*, Journal of Cleaner Production, Vol. 164, 2017, p. 250.

¹⁰ Art. 18(2) of the Directive 2014/24/EU.

¹¹ European Commission, *Commission Staff Working Document Evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities*.

experts indicate the increasing complexity of the system, arising from the expansion of sectoral legislation. Such legislation introduces additional environmental requirements that contracting authorities must apply alongside the existing framework of the 2014 Directives. The fragmentation of the normative framework, along with the absence of clear mechanisms for hierarchy and coherence, can lead to the overloading of entities responsible for implementing public procurement and consequently diminish the effectiveness of the policies themselves.¹²

Furthermore, a certain tension is observed between the existence of a general principle and the varying levels of its implementation among Member States.¹³ Such differences call into question the level of coherence of the system, as well as the effectiveness of the efforts made by the European Commission in providing guidelines for the practical application of green criteria. It should also be noted that the provision in question is often referred to in literature and practice by the term “social horizontal clause.” However, such a terminological designation can be misleading, as its content does not exclusively encompass socially responsible aspects but explicitly includes requirements related to environmental protection. Despite the existence of the mentioned general sustainable principle, there are no additional normative provisions that would unequivocally point to the mandatory nature of the application of green criteria in public procurement procedures within the EU. Consequently, in legal theory and practice, the position has been taken that their application is essentially facultative in nature, with Member States deciding on the scope and method of application.

At the European level, the problem of a potential conflict between different public procurement objectives is also highlighted. On one hand, the emphasis is on ensuring market efficiency and respecting economic principles, while on the other hand, contracting authorities are expected to implement sustainable, i.e., strategic criteria. Consequently, contracting authorities find themselves in a situation where they need to achieve ambitious public policy goals while simultaneously operating within a strictly defined regulatory framework and often without sufficiently clear operational guidelines for the implementation of such goals.¹⁴ An additional challenge is the lack of a clear definition of green public procurement at the EU level, which has led to significant regulatory differences among Member States, both in terms of the conceptual definition itself and in the method of implementing green criteria.¹⁵ Although Directive 2014/24/EU was conceived as a directive of

¹² *Ibid.*, p. 59.

¹³ *Ibid.*, p. 37.

¹⁴ *Ibid.*, pp. 35 – 36.

¹⁵ *Ibid.*

minimum harmonization, i.e., as a general framework that leaves room for Member States to adapt to a greater extent, such an approach has resulted in significant divergences in practice. While some Member States apply green criteria in a very high share of the total value of public procurement, others are still in the initial stages of their implementation. These variations are, therefore, a product of the optional nature of the strategic role of public procurement.

The development of the strategic dimension of public procurement at the EU level can be monitored more intensively since 2008, while in the previous period, public procurement was primarily focused on achieving economic goals. As a result of New Public Management measures and the market orientation of public administration, such values were reflected in public procurement, which primarily mirrored the satisfaction of a sufficient level of market competition and the principle of non-discrimination.¹⁶ One of the key documents towards the strategic development of public procurement is the 2008 European Commission Communication titled *Public Procurement for a Better Environment*, which proposes a definition of green public procurement and lays the foundations for the development of common criteria at the EU level.¹⁷ It encouraged the inclusion of environmental criteria in public procurement procedures and set a goal that 50% of procedures by 2010 should be “green.” Since the goal was not legally binding, its implementation was limited. Only certain Member States reached a higher level of green criteria application, while the majority remained significantly below the set threshold.¹⁸ After 2008, the European Commission developed a series of voluntary criteria for priority sectors, such as IT equipment, food, transport, and construction, which it updated regularly. These criteria served as guidelines for procurers, with the possibility of their adaptation to national and local circumstances. During this period, the EU focused on providing education, guidance, and technical support, while many Member States adopted national action plans and strategies. However, such a voluntary approach did not ensure uniform and broad application, as measures often related only to specific sectors or procurement categories.¹⁹ Simultaneously, binding measures were introduced in certain areas, especially regarding energy ef-

¹⁶ Böttge, I.; Kumpar Zidanić, H.; Tzamalikou, A., *From Green Vision to Legal Obligation: The Case for Making Green Public Procurement Mandatory*, Croatian Yearbook of European Law and Policy, Vol. 19, No. 1, 2023, p. 252.

¹⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *op. cit.*, note 1, Accessed on 18 April 2026.

¹⁸ Renda, A. *et al.*, *The Uptake of Green Public Procurement in the EU27, Study*, Brussels: Centre for European Policy Studies and College of Europe, 2012, p. 23.

¹⁹ Mähönen, M. *et al.*, *Public Procurement for Climate Neutrality: A Transformative Policy Instrument?* D4.2: 4i-TRACTION case study report, Berlin, University of Eastern Finland & Ecologic Institute, 2023, p. 15.

iciency and the procurement of low-emission vehicles²⁰, thereby setting specific standards in those sectors. However, the general public procurement system still did not contain a horizontal obligation to apply green criteria.

The European Green Deal, which was highlighted at the very beginning of this chapter and established in the Commission Communication of 11 December 2019, is a European strategy for sustainable growth and aims to transform the Union into a fair and prosperous society with a modern, competitive, climate-neutral, and circular economy and a non-toxic environment. The Plan sets the goal of ensuring that the Union becomes the first climate-neutral continent by 2050 and recognizes the benefits of investing in the Union's competitive sustainability by building a fairer, greener, and more digital Europe.²¹ In this context, the European Green Deal opened space for redefining the role of public procurement as a key instrument for achieving environmental and economic goals. Public procurement began to be increasingly viewed as a strategic tool for encouraging sustainable market practices, which was also emphasized by the strategic documents that preceded the European Green Deal.²² Despite these ambitious announcements, the implementation of the Green Deal in the field of green public procurement has proven to be partial and uneven. The Commission continued to develop voluntary criteria, even in priority sectors such as IT equipment, although the view that such an approach is not effective enough increasingly prevailed among decision-makers. In certain sectors, binding measures were not introduced or were significantly weakened, while existing instruments were rarely combined in a way that would allow for their full effectiveness. The complexity of the regulatory framework and different approaches among sectors contribute to legal uncertainty and uneven application among Member States in the context of green public procurement,²³ and the aforementioned also points to the fact that the transition from a voluntary to a mandatory model is not a linear process.

²⁰ Thus, for instance, Article 1 of Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles stipulates that "Member States shall ensure that contracting authorities and contracting entities, when procuring certain road transport vehicles, take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, with a view to promoting and stimulating the market for clean and energy-efficient vehicles and improving the contribution of the transport sector to the environment, climate and energy policies of the Union."

²¹ Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724, [2024] OJ L, 28 June 2024, Art. 1.

²² Commission Communication 2017 and Action Plan for Circular Economy 2020 are emphasizing the need to introduce mandatory criteria and targets for green public procurement.

²³ European Parliament, *Report on public procurement* (2024/2103(INI)), A10-0147/2025, July 18, 2025, point 13.

To achieve environmental protection goals, including the fight against climate change and the transition to a circular economy, it is necessary, without disproportionately increasing bureaucracy and costs for economic operators, especially small and medium-sized enterprises (“SMEs”), to establish new obligations in the field of environmental protection and lay the foundations for the development and application of assessment methods for calculating the environmental sustainability of construction products. Calculations should cover the product’s life cycle using methods established by standardization.²⁴

European Union legislation is now developing in a direction where green public procurement (GPP) becomes mandatory in an increasing number of sectors, with the focus shifting from merely prescribing “how to buy” to defining “what to buy,” or more precisely “what not to buy,” expanding the way in which contracting authorities should understand the broader costs of their procurements.²⁵

The European framework for green public procurement represents a strategic framework regarding the implementation of environmental protection policy at the European Union level. The overview of directives and regulations and the analysis of the most important fundamental directive from 2014 indicate that the entirety of public procurement is transforming from an economic into a strategic regulatory tool. Differences in the level of implementation among Member States show that there is substantial fragmentation in practice and that work must be done on ensuring the harmonization of the GPP application model. The development of strategic documents such as the European Green Deal and circular economy policies confirm a clear direction towards the increasingly strong integration of environmental requirements into all phases of public procurement. Questions regarding legal certainty, implementation, and the distribution of responsibility between the EU and national procurers remain open. It is crucial to focus on the question of “what to procure” at both the European and national levels.

3. CROATIAN NORMATIVE AND STRATEGIC FRAMEWORK OF GREEN PUBLIC PROCUREMENT

In the Republic of Croatia, the legal framework for public procurement is established by the Public Procurement Act (Official Gazette No. 114/2022), which, to a large extent, transposes and implements the provisions of Directive 2014/24/

²⁴ Regulation (EU) 2024/3110 of the European Parliament and of the Council of 27 November 2024 laying down harmonised rules for the marketing of construction products and repealing Regulation (EU) No 305/2011, [2024] OJ, 18 December 2024, Art. 7.

²⁵ Andhov, M.; Yukins, C. R., *A Transatlantic Analysis of EU and U.S. Strategies in ‘Green Procurement’*, The Government Contractor, Vol. 66, 2024, p. 4.

EU. This ensures a high level of alignment of national legislation with the EU acquis, at least in a formal, i.e. normative sense. The Act functions as a *lex generalis* in the field of procurement and introduces the criterion of the most economically advantageous tender, which enables the inclusion of environmental and socially responsible aspects in the tender evaluation process.²⁶ This creates room for the application of green public procurement. The field of green public procurement is further specified through sectoral legislation regulating particular areas, such as the Act on the Promotion of Clean Vehicles in Road Transport (Official Gazette No. 52/2021)²⁷ and the Energy Efficiency Act (Official Gazette No. 155/2025).²⁸

The role of public procurement in achieving broader social and environmental progress has been recognised in a number of strategic documents of the Republic of Croatia. However, until 2015, there was no comprehensive document that systematically and exclusively addressed the potential of green public procurement as a distinct public policy instrument. The first significant step in this direction was the adoption of the National Action Plan for Green Public Procurement for the period 2015–2017, with a projection to 2020. Although elements of sustainable procurement had been present in earlier strategic documents, such as the Third National Energy Efficiency Action Plan, which identifies green public procurement as one of the measures, it was only with this document that a framework for the integration of environmental criteria into public procurement procedures was established. The development of the Action Plan was conditioned by obligations arising from the legal and political framework of the European Union, with the aim of ensuring the systematic introduction of green criteria into procurement processes across Member States. The central objective of the Plan was defined quantitatively, namely to achieve that by 2020, half of all public procurement procedures in the Republic of Croatia would be conducted using environmental

²⁶ Article 284(1) of the Public Procurement Act, Official Gazette, No. 120/16, 114/22.

²⁷ Article 1 of the Act on the Promotion of Clean Vehicles in Road Transport, Official Gazette, No. 52/2021, establishes an obligation for contracting authorities and contracting entities that, in the public procurement of certain road transport vehicles, for the purpose of promoting and stimulating the market for clean and energy-efficient vehicles and increasing the contribution of the transport sector to Union policies relating to environmental protection, climate and energy, they take into account energy and environmental impacts over the entire lifetime of the vehicles, including energy consumption, CO₂ emissions and emissions of certain pollutants.

²⁸ Article 24(1)(c) provides that the criteria laid down in the *Energy Efficiency Act* shall apply, for example, where a product or service is covered by EU green public procurement criteria or by available equivalent national criteria. With regard to the energy efficiency of products or services, contracting authorities and contracting entities shall make efforts to procure only those products and services that meet at least the technical specifications defined at the “basic” level of the relevant EU green public procurement criteria or equivalent national criteria, including, inter alia, data centres, server rooms and cloud services, road lighting and traffic signalling, as well as computers, displays, tablets and smartphones (Official Gazette, No. 155/25).

criteria.²⁹ In order to operationalise this objective, the Plan envisaged the selection of priority categories of goods and services with the greatest potential for the rapid and straightforward implementation of green criteria. In doing so, factors such as environmental impact, the potential for reducing greenhouse gas emissions, contributions to energy efficiency, and the relative share of specific product categories in overall public procurement at the national level were taken into account.³⁰ Based on these criteria and the practices of other Member States, printing and copying paper, office and IT equipment, and motor vehicles were identified as priority categories. In addition to its normative dimension, the Action Plan also aimed to raise awareness of the importance of green public procurement among stakeholders involved in procurement procedures, which resulted in the introduction of various educational activities and training programmes. Nevertheless, it should be emphasised that the setting of a 50% target was highly ambitious, particularly in the context of the legal framework at the time, in which the application of green criteria was not mandatory but merely recommended.

An analysis of available data indicates that the target has not been achieved even after 2020. It is estimated that the share of contracts concluded with the application of green criteria amounted to 12.96 % in 2023³¹, while in 2024 this share increased to 16.3 %.³² Such results confirm the existence of a significant gap between the normatively defined objectives and their actual implementation in practice, in the sense that the target set by the 2015 National Action Plan has not been achieved even after more than a decade. Although recent data show a certain increase in the share of contracts concluded using green criteria, this share still significantly

²⁹ Ministry of Environmental Protection and Nature, *National Action Plan for Green Public Procurement for the Period 2015–2017*, with a Projection to 2020, p. 15.

³⁰ *Ibid.*, p. 12.

³¹ According to the *Statistical Report on Public Procurement in the Republic of Croatia for 2023*, Ministry of Economy, Directorate for Public Procurement Policy, the number of public procurement contracts concluded in 2023 amounted to 30,972, while the number of contracts that included green criteria amounted to 4,015; the stated figure was therefore obtained by calculating the ratio of green contracts to the total number of public procurement contracts. However, it should be noted that this statistical figure on contracts incorporating green criteria includes both public and sectoral contracting authorities, i.e. it does not refer exclusively to public bodies [*Statistical Report on Public Procurement in the Republic of Croatia for 2023*, pp. 12, 59, Available at: https://www.javnabavava.hr/userdocsimages/userfiles/file/Statisti%C4%8Dka%20izvje%C5%A1%C4%87a/Godi%C5%A1nja/Statisticko_izvjesce_JN_2023.pdf], Accessed 01 April 2026.

³² The figure was obtained by dividing the number of green contracts in 2024 (a total of 5,643) by the total number of public procurement contracts concluded (34,606), while the statistical data in question were calculated by aggregating figures from both the old and the new Electronic Public Procurement Classifieds (EOJN) Available at: [*Statistical Report on Public Procurement in the Republic of Croatia for 2024*, pp. 12–13, 54, Available at: <https://www.javnabavava.hr/files/Datoteke/Statisti%C4%8Dko%20izvje%C5%A1%C4%87e%202024.pdf>], Accessed 01 April 2026.

deviates from the initially set target of 50% and from the statistical data of other Member States. Furthermore, it should be noted that the reliability of the available data may be questionable. Namely, records on the application of green criteria are largely based on self-assessments by officials involved in public procurement procedures, without systematic *ex post* verification of the actual fulfilment and applicability of those criteria. Such an approach creates room for discrepancies between formally reported and actually applied green criteria in practice and may lead to an overestimation of the actual level of their implementation.

An additional issue arises from the manner in which the obligation to apply green public procurement is regulated. In 2021, the Government of the Republic of Croatia required the Central State Office for Central Public Procurement to include green criteria in the procedures it conducts, but subject to the condition that such application is in line with technical suitability, the financial capacities of users, broader sustainability considerations, and a sufficient level of market competition.³³ Such a normative solution left room for discretionary assessment, which in practice led to a limited application of green criteria. The possibility of omitting green measures on financial or technical grounds created space for their systematic avoidance, whereby the exception largely became the rule, resulting in a situation contrary to the original objective pursued by introducing the obligation to implement green criteria in the procurement procedures of the Central State Office.

Certain shortcomings of the Croatian system have also been highlighted by OECD, particularly in the context of Croatia's accession process to the organisation. As a candidate country, Croatia is required to align its legislation and policies with OECD standards. As early as 2002, the OECD Council adopted the Recommendation on Improving the Environmental Performance of Public Procurement (OECD/LEGAL/0311) in order to encourage states to implement and promote environmental aspects within procurement procedures. The Recommendation essentially aims at the development of green public procurement policy by encouraging the adoption of concrete measures, the introduction of financial and budgetary instruments, the provision of training for public officials, and the establishment of systems for identifying products and services that contribute to the objectives of green public procurement. An important component of these recommendations is the phase of measuring and monitoring progress, as well as the evaluation and assessment of green public procurement policies.³⁴ It is precisely in the context of monitoring the implementation of green measures that the Repub-

³³ Article 1(1) of the Decision on Green Public Procurement in Central Public Procurement Procedures, Official Gazette, No. 49/2021.

³⁴ OECD, Recommendation of the Council on Improving the Environmental Performance of Public Procurement, OECD/LEGAL/0311.

lic of Croatia demonstrates certain shortcomings, particularly with regard to the definition of clear objectives, indicators, and reporting and monitoring systems, which points to the need for further institutional and normative adjustments.³⁵

In response to the identified shortcomings, at the end of 2024 the Ministry of Environmental Protection and Green Transition adopted a new Decision on the Implementation of Green Public Procurement, which has been applicable since 1 January 2025. This Decision introduces an obligation to apply green criteria for all central government bodies in pre-defined product categories, whereby for each category minimum percentages of sustainable elements are precisely determined, the fulfilment of which is deemed to satisfy the obligation.³⁶ While the application of green criteria is mandatory for certain categories of products, central government bodies are also encouraged to implement such criteria for other products, thereby creating a recommendation for the remaining categories. The Decision further provides for an obligation to prepare annual reports on the implementation of green public procurement, which are to be publicly available. The monitoring system is organised in such a way that individual central government bodies carry out internal control through the preparation of annual reports, while the competent Ministry of Environmental Protection assumes a coordinating role, relying on data from the Electronic Public Procurement Classifieds (EOJN) and the results of oversight conducted by other central government bodies.³⁷ In this way, the aim is to ensure the actual and measurable implementation of green public procurement policy through enhanced control and alignment of practical implementation, as opposed to previous arrangements which did not fully ensure effective oversight. It remains to be seen what results the Decision has produced in practice during its first year of application, given that contracting authorities were required to submit their annual statistical reports by 31 March 2025.

The question of the actual scope of this Decision also remains open, particularly since central government bodies account for a relatively small share of the overall number of public procurement contracts. Given that the Republic of Croatia transitioned to a new Electronic Public Procurement Classifieds system during 2024,

³⁵ Ilijazović, B., *Decision of the Government of the Republic of Croatia on the Implementation of Green Public Procurement*, Available at: [https://zastitaokolisa.dashofer.hr/33/odluka-vlade-republike-hrvatske-o-provedbi-zelene-javne-nabave-uniqueidRCViWTptZHLWF5_cabpuljBzEfKEIEKAg_rzFJ8D5c/32/trazi/], Accessed 27 March 2026.

³⁶ Article 6 of the Decision on the Implementation of Green Public Procurement, Official Gazette, No. 137/2024-2260.

³⁷ Article 10 regarding Article 11 of the Decision on the Implementation of Green Public Procurement, Official Gazette, No. 137/2024-2260.

the statistical report for that year distinguishes between two reporting categories in certain segments. Accordingly, under the previous EOJN system, central government bodies accounted for approximately 5.46%, whereas under the new EOJN this share is somewhat higher, amounting to 16.78%.³⁸ In view of the relatively low proportion of central government bodies compared to other contracting authorities, the actual impact of the Decision will depend on the broader uptake of green criteria at other levels of government, as well as on their application by other major public and subsequently sectoral contracting entities.³⁹

The broader strategic framework is further defined by the Integrated National Energy and Climate Plan for the period 2021–2030, adopted in 2019, which envisaged increasing the share of green public procurement to 75% of all procedures by 2030. The Plan also explicitly stated that innovative low-carbon products and services would be favoured, thereby encouraging their market uptake.⁴⁰ Although such a provision may have positive environmental implications, its formulation could potentially have adverse effects on competition and, if implemented inappropriately, could even result in a breach of the applicable legal framework.⁴¹ Notably, in March 2025 the Government of the Republic of Croatia adopted a revised version of the Plan, which introduced significant changes in the area of green public procurement. The revised Plan no longer includes a projection expressed as a specific percentage share of green public procurement, as had been the case in the previous Plan, likely reflecting the assessment that achieving such a target proved challenging in light of existing indicators. Furthermore, the revised Plan omits the controversial provision on the direct favouring of such products and services in procurement procedures. While the Plan emphasises the importance of setting targets and deadlines to further promote green public procurement, it does not concretise those objectives or timelines.⁴² It is also important to note that the revised Plan elaborates on the Decision of the Government of the Republic of Croatia on Green Public Procurement in Central Public Procurement Procedures (Official Gazette No. 49/2021),

³⁸ Ministry of Economy, Directorate for Public Procurement Policy, Statistical Report on Public Procurement in the Republic of Croatia for 2024, pp. 11–13.

³⁹ According to the Statistical Report, public contracting authorities concluded 30,559 contracts in 2024, whereas sectoral contracting entities concluded only 4,047.

⁴⁰ Ministry of Environmental Protection and Energy, *Integrated National Energy and Climate Plan of the Republic of Croatia for the Period 2021–2030*, p. 144.

⁴¹ For example, Directive 2014/24/EU, in Article 42(2), provides that technical specifications must afford equal access to the procurement procedure to economic operators and must not have the effect of creating unjustified obstacles to competition in public procurement, which implies that such “favouring” must not be implemented in the preparation of the procurement documentation.

⁴² Ministry of Environmental Protection and Energy, *Revised Integrated National Energy and Climate Plan of the Republic of Croatia for the Period 2021–2030*, pp. 225 – 227.

which obliged the Central State Office for Central Public Procurement to apply green criteria, even though that Decision was no longer in force at the time of the Plan's adoption (March 2025). Namely, it had been replaced by the Decision on the Implementation of Green Public Procurement, which makes the application of green criteria mandatory for procurement procedures conducted by all central government bodies, yet this is not mentioned at all in the revised Integrated National Energy and Climate Plan, despite being in force at the relevant time.

In addition to the aforementioned regulations, it is also necessary to mention the Decision adopting the Waste Management Plan of the Republic of Croatia for the period 2023–2028 (Official Gazette No. 84/2023), as well as the Low-Carbon Development Strategy of the Republic of Croatia until 2030, with a view to 2050 (Official Gazette No. 63/2021), both of which rely, to a significant extent, on green public procurement as a means of achieving their stated objectives.⁴³

4. KEY CHALLENGES IN THE IMPLEMENTATION OF GREEN PUBLIC PROCUREMENT IN CROATIA

One of the fundamental challenges in the implementation of green public procurement stems from the entrenched approach that favours the lowest price as the primary award criterion. Lower-priced tenders are preferred due to immediate cost savings, and, in the EU context, the European Commission identifies this as a major obstacle to the participation of small and medium-sized enterprises (SMEs) in procurement procedures that emphasise sustainability elements. SMEs themselves highlight the prioritisation of the lowest price as a key barrier to the implementation of sustainable procurement, alongside legal uncertainties within the existing regulatory framework.⁴⁴ More generally, the Commission, in its reports, indicates that the share of public procurement contracts awarded solely on the basis of the lowest price has been increasing over the reference period from 2011 to 2021.⁴⁵ At the same time, the costs of procurement procedures should not be understood narrowly and solely in terms of initial financial expenditure, but should

⁴³ For example, the Low-Carbon Development Strategy of the Republic of Croatia until 2030, with a View to 2050, Official Gazette No. 63/2021, in Section 12, which addresses the low-carbon economy and behavioural patterns, identifies, inter alia, green public procurement as one of the six areas for the development of sustainable consumption and production programmes, thereby contributing to the implementation of the Low-Carbon Strategy.

⁴⁴ European Commission, *Commission Staff Working Document Evaluation of Directive 2014/23/EU on Concessions, Directive 2014/24/EU on Public Procurement and Directive 2014/25/EU on Utilities*, SWD [2025] 333 final, p. 93.

⁴⁵ *Ibid.*, p. 33, regarding ECA (2023) Special report 28/2023, p. 30.

also encompass those arising as longer-term outcomes of a given procurement.⁴⁶ Certain studies have shown that products incorporating green measures are often comparable in price to conventional products, with only a small proportion being genuinely more expensive.⁴⁷

In order to raise awareness of the importance of implementing green criteria in public procurement, it is necessary to insist on and continuously promote high-quality and adequate training programmes for officials involved in procurement procedures. The effective implementation of green criteria does not depend solely on the normative framework, but to a large extent on the level of knowledge, competences and awareness of those responsible for applying that framework in practice. The need to strengthen educational capacities has been recognised in numerous strategic documents at both the EU and national levels. For example, the Integrated National Energy and Climate Plan for the period 2021–2030 identifies the implementation of information and training activities on green public procurement as a key planned measure.⁴⁸ In Croatia, a green public procurement portal has been established and is maintained by the Ministry of Environmental Protection and Green Transition, providing access to a range of educational materials. These include handbooks, guidelines, video tutorials and practical tools that explain in an accessible manner how to incorporate green criteria into different stages of procurement procedures.⁴⁹ This approach largely builds on the practice of the European Commission, which has for years been developing a comprehensive set of tools to support green public procurement, such as the Green Public Procurement Toolkit⁵⁰, as well as technical instruments such as the EU Ecolabel⁵¹ and Life-Cycle Costing (LCC) tools.⁵²

⁴⁶ Manta, O. *et al.*, *Public procurement, a tool for achieving the goals of sustainable development*, Amfiteatru Economic Journal, The Bucharest University of Economic Studies, Bucharest, 2022, Vol. 24, Issue 61, p. 864.

⁴⁷ Andhov, M. *et al.*, *Sustainability Through Public Procurement: The Way Forward – Reform Proposals*, University of Oslo, Faculty of Law Legal Studies, Research Paper Series No. 2020-09, 2020, pp. 6–7.

⁴⁸ Ministry of Environmental Protection and Energy, *Revised Integrated National...op. cit.*, note 17, p. 226.

⁴⁹ Ministry of Environmental Protection and Green Transition, *Training Materials*, Available at: [<https://zelenanabava.hr/trening-materijali/>], Accessed 01 April 2026.

⁵⁰ European Commission, *Green Public Procurement Toolkit*, Available at: [https://green-forum.ec.europa.eu/green-business/green-public-procurement/gpp-training-toolkit_en], Accessed 01 April 2026.

⁵¹ European Commission, *EU Ecolabel, The official European Union voluntary label for environmental excellence*, Available at: [https://environment.ec.europa.eu/topics/circular-economy-topics/eu-ecolabel_en], Accessed 01 April 2026.

⁵² European Commission, *Life-cycle costing, Life-Cycle Costing (LCC) is being applied by an increasing number of public authorities across the EU and in a range of sectors*, Available at: [https://green-forum.ec.europa.eu/green-business/green-public-procurement/life-cycle-costing_en], Accessed 01 April 2026.

Accordingly, even where the legislative framework, together with accompanying guidelines, strategic documents and soft law instruments, may be adequately designed, potential problems arise in the practical implementation of such a framework if it is not supported by adequately trained officials.⁵³ A lack of knowledge regarding the potential effects of green criteria often leads to the continued reliance on traditional practices that are perceived as safe and familiar to all stakeholders. Green public procurement in the Republic of Croatia undoubtedly requires further professionalisation, and one of the ways to achieve this is through the introduction of a competency framework for officials, which would assess their performance based on objective criteria and monitor their progress.⁵⁴ Such a framework would also be applicable to employees in the public procurement sector, thereby providing additional motivation for the implementation of green measures in procurement procedures. By developing concrete mechanisms for monitoring such implementation, officials would consequently become more interested in further training in this field. A step in this direction is the recent introduction of the European competency framework for public procurement professionals, ProcurCompEU, into the Croatian system, which identifies training in sustainable public procurement as a distinct category of competences. Within this framework, the required skills are specified according to different stages of training, enabling their practical evaluation.⁵⁵ The handbook provides certain recommendations on how to implement such training and which thematic areas should be covered; however, many experts argue that officials should also be motivated and persistent in implementing sustainable procurement.⁵⁶ As a result, future practices could include the introduction of reward mechanisms based on objectively measurable results.

A challenge that is certainly not limited to the national context concerns the existence of difficulties in the implementation of green criteria, which often results in uneven application when comparing Member States.⁵⁷ However, the implementation of green criteria encounters the greatest challenges at the lowest territorial levels, specifically in procurement procedures conducted by local and subsequent-

⁵³ Drmić Kunić, A., *Profesionalizacija zelene javne nabave kao podrška javnim tijelima za njezinu provedbu*, Informator, 2024, p. 4.

⁵⁴ Zoretić, G., *Određivanje kompetencija službenika u javnoj upravi – pregled Republike Hrvatske i odabranih zemalja EU*, FIP – Financije i pravo, Vol. 6, No. 1, 2018, p. 58.

⁵⁵ Ministry of Economy, Handbook for the Assessment and Development of Competences in the Field of Public Procurement, pp. 22 – 25, Available at: [chromeextension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.javnabava.hr/userdocsimages/Priru%C4%8Dnik.pdf], Accessed 28 March 2026.

⁵⁶ Andhov, M. *et al*, *op. cit.*, note 22, pp. 15 – 16.

⁵⁷ European Commission, Commission Staff..., *op. cit.*, note 19, pp. 36 – 37.

ly regional self-government units.⁵⁸ Namely, the increasingly extensive normative framework, which, in addition to the core Directive 2014/24/EU, encompasses numerous sectoral and horizontal rules, further complicates navigation within an already complex system. Such regulatory fragmentation, coupled with the absence of a clear hierarchy of rules, may result in an excessive administrative burden for entities responsible for conducting procurement procedures. These challenges are particularly pronounced at the lowest territorial levels, in procedures carried out by local and regional self-government units, where administrative capacities are often limited.⁵⁹ Although, as of 2025, an obligation to apply green measures has been introduced in public procurement procedures conducted by central government bodies in the Republic of Croatia, the relevant Decision also contains a provision encouraging contracting authorities, particularly local and regional self-government units, to implement green public procurement.⁶⁰ Taking into account the complex territorial organisation of the Republic of Croatia, as well as the large number of subnational units, it is evident that achieving tangible effects of green public procurement will require a stronger emphasis on its implementation precisely at these lower levels.

Specifically, the Republic of Croatia faces the challenge of a large number of local and regional self-government units, with an administrative structure comprising 555 local self-government units (428 municipalities and 127 cities), in addition to 20 regional self-government units and the City of Zagreb, which has a special status as both a city and a county.⁶¹ Such a complex and highly fragmented structure indicates the significant presence of territorial units as contracting authorities, which frequently rely on the public procurement system for the acquisition of goods, services and works necessary for their day-to-day functioning.⁶² In addition, a particularly pressing issue is the limited fiscal capacity of local and regional

⁵⁸ Cheng, W. et. al., *Green Public Procurement, Missing Concepts and Future Trends – A Critical Review*, Journal of Cleaner Production, Vol. 176, No. 1, 2017, p. 781.

⁵⁹ European Commission, Commission Staff..., *op. cit.*, note 19, p. 59.

⁶⁰ Article 4 of the *Decision on Green Public Procurement in Central Public Procurement Procedures*, Official Gazette, No. 49/2021.

⁶¹ Ministry of Justice, Public Administration and Digital Transformation, *List of Counties, Cities and Municipalities*, Available at: [<https://mpudt.gov.hr/gradjani-21417/iz-djelokruga/lokalna-i-podrucna-regionalna-samouprava-24398/popis-zupanija-gradova-i-opcina-24402/24402>], Accessed 01 April 2026

⁶² According to the Report, local and regional self-government bodies accounted for 32% of contracting authorities in the total number of published contracts in 2023. In 2024, under the previous EOJN system, they accounted for 16.66%, whereas under the new EOJN system local authorities accounted for 12.41% and regional authorities for 7.85%, Statistical Report on Public Procurement in the Republic of Croatia for 2024, pp. 11–13.

self-government units⁶³, which often depend on state funding for the implementation of their programmes, institutions or activities within their competence.⁶⁴ Given that certain local and regional units in the Republic of Croatia at times lack sufficient budgetary resources to cover even salaries and other basic expenditures, it is difficult to expect that they will allocate additional financial resources in public procurement procedures in order to select, most often, initially more expensive procurement objects that meet specific green criteria, i.e. that have a positive environmental impact. Consequently, the application of green criteria, which are often perceived as financially more demanding, remains limited.

Beyond the fundamental challenges of limited administrative and fiscal capacity, the implementation of GPP by local and regional self-government units has remained largely unexamined in Croatian academic literature. While the authors intend to undertake a broader study at the level of large local government units, this paper presents a preliminary, exploratory analysis based on a single local authority. This pilot case study has proven useful in identifying key trends and refining research questions for subsequent, more comprehensive inquiry. The following sections examine the findings of this initial analysis in order to highlight practical approaches to the application of green criteria and to formulate preliminary recommendations for strengthening the existing framework.

4.1. Analysis of Green Public Procurement Implementation at the Local Level: A Case Study of the City of Rijeka

As the most significant challenges regarding the implementation of Green Public Procurement (GPP) arise at the level of local self-government units, the authors sought to identify the underlying reasons and systemic barriers to the integration of environmental criteria within public procurement procedures. To this end, the analysis is based on a case study of a single local authority, the City of Rijeka. The research instrument administered to the City is structured into four thematic sections, designed to analyze the strategic planning of GPP, its operational implementation, the identification of structural barriers to the inclusion of green criteria in tendering procedures, and prospective adaptations.

The implementation of GPP within the City of Rijeka is a strategically oriented process currently situated at a fundamental level of application. This assessment is

⁶³ See *Decision on the Classification of Local and Regional Self-Government Units According to the Level of Development*, Official Gazette, No. 3/2024-60.

⁶⁴ Blažević, R.; Dobrić Jambrović, D., Menger, M., *Lokalna samouprava*, Sveučilište u Rijeci, Pravni fakultet, 2021, pp. 99 – 100.

predicated on the fact that environmental criteria are consistently integrated into the procurement of standardized goods and services, whereas, for more complex and specific subject matters of procurement, the application of green measures remains in a nascent stage or lacks systematic execution. The normative foundation of these processes is secured through vertical alignment with key strategic instruments, most notably the City Development Plan 2021–2027, the Sustainable Energy and Climate Action Plan (SECAP), and the Energy Efficiency Action Plan for the 2025–2027 period. By incorporating the ‘Green Purchasing City’ concept into local development policies, a progressive increase in the share of GPP is anticipated relative to the total public procurement of the contracting authority and its budget users, commencing with the municipal administration, followed by educational institutions, and subsequently extending to other public entities.

In addition to the positive externalities regarding the promotion of local products, these measures facilitate the reduction of CO₂ emissions associated with logistics and warehousing. Such an approach explicitly defines the teleological objectives of public procurement, reflected in the attainment of energy efficiency, waste minimization, the enhancement of renewable energy shares, and climate change adaptation. Consequently, public procurement is undergoing a transformation from a mere fiscal instrument into a robust environmental policy tool dedicated to the long-term public interest and the sustainable development of the local community.

However, at present, the practical operationalization of GPP in the City of Rijeka faces significant barriers arising from the necessity to balance environmental standards with the principle of fiscal responsibility. Given the obligation for rational management of public funds with the “due diligence of a prudent administrator”, the market price of environmentally friendly products and services is frequently perceived as prohibitive. This necessitates a systematic assessment of the economic benefits of such procurement in comparison to conventional solutions. This challenge is further exacerbated by a partial deficit in the specific professional competencies of municipal civil servants. While specialists within the Public Procurement Department are proficient in the procedural aspects, there is a need for additional training of officials in the respective administrative departments who, as end-users, define the project tasks and technical specifications. Absent precisely established criteria in the initial stages, the instrument of green public procurement cannot achieve its full potential.

Simultaneously, the market structure constitutes a substantial constraint, particularly regarding the participation of small and medium-sized enterprises (SMEs). Procedures for obtaining eco-certificates are often protracted and financially tax-

ing, which deters many economic operators from certification, thereby narrowing the pool of potential bidders and undermining the principle of competition. Notwithstanding these obstacles, practical implementation demonstrates a broad spectrum of application, such as the procurement of eco-friendly cleaning agents, printing equipment of the highest energy efficiency class, eco-packaging for certain goods, and eco-consumables. Furthermore, it encompasses the restoration of greenery, tree rows, and city parks as climate change adaptation measures, the acquisition of a biological wastewater treatment plant for a cultural facility, the construction of solar power plants on schools and kindergartens, the procurement of electricity with a minimum renewable energy share of 50%, the acquisition of hybrid and electric official motor vehicles, the requirement of the highest Euro standards for vehicles used in contract execution, and the utilization of eco-materials for cleaning maritime pollution.

An analysis of the data for 2025 indicates that GPP, although present in a smaller number of procedures, is highly significant in terms of value, accounting for 21.40% of the total planned public procurement value. However, systematic monitoring and further development are hindered by the inadequate infrastructure of the Electronic Public Procurement Classifieds (EOJN RH), which currently does not allow for efficient searching or statistical reporting on green contracts. Also, the simple procurement registry lacks the functionality to input data identifying a procedure as GPP. In addition to investing in the improvement of the EOJN RH infrastructure, City officials emphasize that future progress crucially depends on the education of civil servants based on the best practices of countries such as the Netherlands, Denmark, or Sweden, which have established GPP as a standard. Alongside institutional support, it is essential to provide measures to stimulate the local economy, primarily through subsidies for obtaining certifications, to ensure that SMEs can timely adapt to forthcoming green requirements and ensure the long-term sustainability of public expenditure.⁶⁵

4.2. Recommendations for Enhancing the Legal and Institutional Framework of Green Public Procurement in Croatia

The analysis of the Croatian normative and strategic framework demonstrates that, despite a relatively high degree of formal alignment with the EU acquis, the practical implementation of GPP remains limited and fragmented. Enhancing the GPP system necessitates a comprehensive approach that transcends mere formal harmonization with European directives, moving instead toward a profound nor-

⁶⁵ The questionnaire responses were submitted on 8 April 2026, following the receipt of the formal consent for research participation from the Mayor of the City of Rijeka.

mative, administrative, and market transformation. Consequently, the authors' primary recommendation concerns the further precise elaboration of the legislative framework to gradually phase out the prevailing practice of voluntariness in favor of clear and measurable mandatory requirements. Existing discretionary powers, which allow contracting authorities to circumvent environmental criteria under the guise of financial unsuitability, must be redefined while ensuring coherence across various levels of strategic planning. This implies, for instance, the alignment of national energy and climate plans with concrete governmental implementation decisions, alongside the establishment of realistic yet ambitious quantitative targets extending to all levels of government, including local self-government units which currently exhibit the most pronounced deficit in the implementation of green criteria.

A further element of system improvement pertains to a shift in the bid evaluation paradigm, necessitating a decisive move away from the lowest price criterion toward the systematic application of the life-cycle costing (LCC) methodology. Only by fully internalizing environmental externalities and operating costs throughout a product's entire life cycle can the principle of "best value for money" be realized. To operationalize this, intensive professionalization of administrative staff is essential. The authors propose a diversification of educational processes to encompass not only procurement procedure specialists but primarily officials in line departments who define project tasks. As key barriers emerge precisely at this stage, strengthening competencies for drafting precise and non-discriminatory green technical specifications constitutes a *conditio sine qua non* for their successful implementation. Furthermore, the introduction of objective mechanisms for monitoring staff progress is proposed, which could further stimulate professionalization processes and ultimately mitigate the fear of legal uncertainty in the oversight of public procurement procedures.

In this respect, comparative practices from other EU Member States may provide useful guidance for the Croatian system, particularly regarding local and regional self – government units. Relevant example is the Dutch Sustainable Public Procurement Criteria Tool (MVI criteria tool) which enables contracting authorities to select and download pre-formulated environmental criteria for specific categories of procurement.⁶⁶ Such an instrument does not replace the discretion of contracting authorities, but it significantly reduces legal uncertainty and administrative burden by providing practical, standardised and verifiable criteria that may be incorporated into tender documentation. A comparable tool adapted to the

⁶⁶ Government of the Netherlands, *About MVI tool*, Available at: [https://www.mvicriteria.nl/en/about-webtool], Accessed 30 May 2026.

Croatian legal framework could be especially useful for smaller local units lacking specialised administrative capacity. In addition, the Croatian system could draw inspiration from the Irish “apply or explain” model, which represents an intermediate solution between a purely voluntary approach and a fully mandatory regime. Under such an approach, contracting authorities would be expected to include green criteria where relevant criteria exist and where their application is appropriate and proportionate, while any omission would have to be justified through the reporting system.⁶⁷ For Croatian local and regional self-government units, this model could provide a realistic transitional mechanism. It would preserve a degree of flexibility in cases of limited market availability or disproportionate costs, while at the same time preventing the systematic avoidance of green criteria on general financial or technical grounds.

The third recommendation is directed toward the upgrading of the digital infrastructure, which currently does not correspond to the requirements for searching GPP records or for systematic oversight and reporting on procedures. The transformation of the EOJN RH into an analytical tool enabling the automatic recognition of green parameters and real-time contract monitoring would ensure the necessary transparency and eliminate the unreliability of data based on self-assessment. Such digital verification, accompanied by systematic ex-post audits, would create a database essential for future *de lege ferenda* proposals and more efficient management of public expenditure.

Finally, the sustainability of the system inevitably depends on market inclusiveness, which requires a continuous and proactive role of the state in supporting SMEs. Although support mechanisms and certification vouchers exist in Croatia, the cumulative costs of obtaining recognized eco-labels, encompassing not only direct fees to certification bodies but also substantial indirect expenses for engaging external experts, laboratory testing, and complex adaptations of production processes, continue to represent an excessive financial and administrative burden.⁶⁸ To prevent the progressive narrowing of market competition and the risk of creating oligopolistic structures dominated exclusively by large economic operators, it is recommended to redefine existing subsidy models by introducing

⁶⁷ Government of Ireland, Department of Public Expenditure Infrastructure Public Service Reform and Digitalisation, Circular 17/2025, *Updated Green Public Procurement Instructions for Public Sector Bodies*, Accessed 30 May 2026.

⁶⁸ Currently, the maximum aid intensity is up to 75% of eligible costs for micro and small enterprises, and 55% of eligible costs for medium-sized enterprises. EU Funds, *Publication of the Call for Proposals: “Support for Enterprises for Product Certification and Implementation of Management Systems”*, Available at: [<https://eufondovi.gov.hr/objava-poziva-za-dostavu-projektnih-prijedloga-potpورا-poduzecima-za-certifikaciju-proizvoda-i-uvodenje-sustava-upravljanja-referentni-broj-pk-1-3-04/>], Accessed 07 April 2026.

more robust and accessible targeted support with a higher intensity of coverage for total adaptation costs.

5. CONCLUSION

The analysis presented in this paper demonstrates that, despite a high level of formal alignment with the EU *acquis*, the implementation of GPP in Croatia remains limited, uneven and structurally constrained. While the existing legislative framework provides a sufficient legal basis for the integration of environmental considerations, its practical effectiveness is weakened by the predominance of discretionary provisions, fragmented strategic planning and insufficiently developed monitoring mechanisms. These findings reflect, to a significant extent, broader challenges inherent in the EU system of public procurement. Although the Union increasingly promotes the strategic use of procurement as a tool of environmental governance, the largely facultative nature of green criteria under Directive 2014/24/EU, combined with the growing complexity of sector-specific regulation, continues to generate legal uncertainty and uneven implementation across Member States. The Croatian case thus illustrates a more general structural tension within EU public procurement law: the gap between ambitious policy objectives and the limited enforceability of those objectives in practice

At the national level, recent regulatory developments, particularly the introduction of mandatory green criteria for central government bodies, represent an important step towards strengthening the binding dimension of GPP. However, their overall impact remains constrained by the limited share of centralised procurement and by the absence of comparable obligations at the local and regional levels, where the majority of procurement activity takes place. The case study of the City of Rijeka further confirms that the most significant obstacles to effective implementation arise precisely at this level. Limited administrative and fiscal capacities, insufficient professional training, market constraints and persistent reliance on the most economically advantageous tender continue to restrict the systematic application of green criteria in practice. At the same time, the case study illustrates that, even within such constraints, local authorities can play a meaningful role in advancing GPP through strategic planning and gradual institutional adaptation.

In light of these findings, the paper suggests that future progress in the field of GPP will depend less on the formal expansion of strategic commitments and more on the development of enforceable, coherent and operationally feasible mechanisms. This includes the gradual transition from voluntary to mandatory application of green criteria, the strengthening of administrative capacities at all levels of government, the improvement of monitoring and data systems, and the creation

of a more supportive market environment, particularly for SMEs. Ultimately, the transformation of public procurement into an effective instrument of environmental policy requires not only regulatory alignment, but also a shift in institutional practices and governance approaches. Without such a shift, GPP risks remaining a formally recognised objective within EU and national frameworks, without achieving its intended transformative impact in practice.

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