

Green Public Procurement in Algerian Legislation: Towards Achieving Sustainable Development

Contratación pública verde en la legislación argelina: hacia la consecución del desarrollo sostenible

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Abstract

This study aims to analyze the legal framework governing green public procurement in Algerian legislation and to examine its role in achieving sustainable development through the integration of environmental considerations into the various stages of awarding and implementing public contracts. It also seeks to identify the main legal, regulatory, and practical challenges hindering its effective implementation. **Methodology:** The study adopts an analytical approach by examining the legal texts related to public procurement and environmental protection, with particular focus on Law No. 23-12 on Public Procurement. It also draws on selected comparative experiences in the field of green public procurement. **Key Findings:** The study reveals that integrating environmental considerations into public procurement constitutes an effective mechanism for supporting sustainable development objectives and directing public expenditure toward environmental protection. The findings further indicate that, although the Algerian legal system contains certain provisions related to environmental considerations, these remain fragmented and insufficient to ensure the effective integration of environmental criteria throughout all stages of the public procurement process. The study also identifies several challenges, including weaknesses in the regulatory framework, a lack of specialized expertise and competencies, insufficient monitoring mechanisms, and limited environmental awareness among stakeholders. **Conclusions:** The study concludes that green public procurement represents a strategic tool for achieving sustainable development in Algeria. However, its effectiveness depends on the establishment of a clearer and more binding legal and regulatory framework, as well as the strengthening of the institutional and technical capacities necessary to implement environmental criteria in public procurement. **Recommendations:** The study recommends revising public procurement legislation to incorporate explicit and mandatory environmental criteria, establishing a specialized national body to oversee the integration of environmental considerations into public procurement, developing technical indicators and standards for measuring environmental impact, enhancing the training of public officials, encouraging economic operators to adopt environmentally sustainable practices, and promoting environmental awareness, transparency, and accountability in public procurement.

Keywords: Green Public Procurement, Sustainable Development, Algerian Legislation, Environmental Dimension, Public Procurement.

, procedural alternatives, comparative legislation.

Resumen

Este estudio tiene como objetivo analizar el marco jurídico que regula la contratación pública verde en la legislación argelina y examinar su contribución al desarrollo sostenible mediante la integración de consideraciones ambientales en las distintas etapas de adjudicación y ejecución de los contratos públicos. Asimismo, busca identificar los principales obstáculos jurídicos, normativos y prácticos que dificultan su aplicación efectiva.

Metodología: La investigación adopta un enfoque analítico basado en el examen de los textos legales relativos a la contratación pública y la protección ambiental, con especial atención a la Ley n.º 23-12 sobre contratación pública. También recurre a una selección de experiencias comparadas en materia de contratación pública verde. **Principales resultados:** El estudio revela que la incorporación de consideraciones ambientales en la contratación pública constituye un mecanismo eficaz para apoyar los objetivos de desarrollo sostenible y orientar el gasto público hacia la protección del medio ambiente. Los resultados indican, además, que, aunque el ordenamiento jurídico argelino contiene determinadas disposiciones de carácter ambiental, estas siguen siendo fragmentarias e insuficientes para garantizar la integración efectiva de criterios ambientales en todas las etapas del proceso de contratación pública. Asimismo, se identifican diversos obstáculos, entre ellos las deficiencias del marco normativo, la falta de conocimientos y competencias especializados, la insuficiencia de los mecanismos de supervisión y la limitada conciencia ambiental de los actores involucrados.

Conclusiones: La contratación pública verde representa una herramienta estratégica para alcanzar el desarrollo sostenible en Argelia. Sin embargo, su eficacia depende del establecimiento de un marco jurídico y normativo más claro y vinculante, así como del fortalecimiento de las capacidades institucionales y técnicas necesarias para aplicar criterios ambientales en la contratación pública. **Recomendaciones:** El estudio recomienda revisar la legislación sobre contratación pública para incorporar criterios ambientales explícitos y obligatorios; establecer un organismo nacional especializado que supervise la integración de consideraciones ambientales en la contratación pública; desarrollar indicadores y estándares técnicos para medir el impacto ambiental; reforzar la formación de los funcionarios públicos; incentivar a los operadores económicos a adoptar prácticas ambientalmente sostenibles; y promover la conciencia ambiental, la transparencia y la rendición de cuentas en la contratación pública.

Palabras clave: contratación pública verde, desarrollo sostenible, legislación argelina, dimensión ambiental, contratación pública.

Introduction

General Background

Public procurement constitutes one of the principal legal mechanisms through which the State gives effect to its development and economic policies, serving as the primary means of carrying out public projects, operating public utilities, and satisfying public needs.

The concept of public procurement has undergone considerable evolution over recent decades; It is no longer confined to ensuring economic efficiency and the proper use of public funds, but has also become an instrument for pursuing environmental objectives consistent with the requirements of sustainable development.

Against the backdrop of mounting global environmental challenges arising from climate change, pollution, and the depletion of natural resources, Green Public Procurement (GPP) has emerged as one of the modern mechanisms designed to integrate environmental considerations into the various stages of the award and performance of public contracts; This approach rests on the premise that public procurement can operate as an effective lever for steering the market towards more environmentally sound products, services, and projects, thereby contributing to a balance between economic growth and the preservation of natural resources.

In Algeria, the public procurement regime has undergone a series of legislative reforms, the most recent of which is Law No. 23-12 on Public Procurement; This Law introduced a number of provisions aimed at embedding the environmental dimension within the field of public procurement, reflecting the Algerian legislator's orientation towards aligning national law with the requirements of sustainable development and prevailing environmental commitments.

The mere incorporation of an environmental dimension into public procurement is not, however, sufficient in itself to secure the objectives sought. Its effectiveness remains contingent upon the clarity of the governing legal framework, the availability of mechanisms capable of ensuring its practical implementation, and the capacity of the various actors and stakeholders in the field of public procurement to understand and effectively apply its requirements.

Research Problem

In light of the significance of Green Public Procurement for the achievement of sustainable development, the present study addresses the following central research question:

To what extent does the Algerian legislative framework contribute to the consolidation of Green Public Procurement and the achievement of sustainable development objectives?

This central question gives rise to the following sub-questions:

-What is meant by public procurement, and what is its relationship to the environmental dimension?

-What is meant by Green Public Procurement?

In what respects has the environmental dimension been integrated into the public procurement regime under Law No. 23-12 on Public Procurement?

-What are the principal legal, regulatory, and practical challenges impeding the effective implementation of Green Public Procurement in Algeria?

Significance of the Study

The significance of this study derives from the importance of Green Public Procurement as one of the modern legal instruments for advancing sustainable development and environmental protection; The study further seeks to assess the extent to which Algerian legislation responds to contemporary environmental imperatives, and to identify the shortcomings and challenges that continue to impede the effective application of environmental standards in the field of public procurement.

Objectives of the Study

This study aims to:

- Elucidate the concept of Green Public Procurement.
- Analyse the manner in which the environmental dimension has been integrated into Law No. 23-12 on Public Procurement.
- Evaluate the effectiveness of the legal mechanisms adopted for the consolidation of -Green Public Procurement.
- Identify the principal challenges impeding the implementation of Green Public Procurement in Algeria.
- Propose a set of recommendations capable of enhancing the contribution of Green Public Procurement to the achievement of sustainable development.

Methodology

This study adopts the following methodological approaches:

The analytical approach, through an examination of the legal provisions governing public procurement and environmental protection in Algeria.

The comparative approach, drawing on selected leading international experiences in the field of Green Public Procurement, with particular reference to the French and American experiences.

The critical approach, aimed at identifying the strengths and shortcomings of the Algerian legal framework and proposing appropriate solutions to enhance its effectiveness.

Structure of the Study

The study is divided into two principal parts, as follows:

Part One: The theoretical and legal foundations of Green Public Procurement in Algerian legislation.

Part Two: Challenges and prospects for the implementation of Green Public Procurement in Algerian legislation.

Part One: The Theoretical and Legal Foundations of Green Public Procurement in Algerian Legislation

The integration of the environmental dimension into public procurement reflects the global trend towards enshrining the principles of sustainable development. Public procurement is no longer merely a means of meeting the needs of public utilities or implementing public projects ; rather, it has become an instrument for steering economic and social policy in a manner consistent with the requirements of environmental protection.

To this end, there has emerged a need for a comprehensive legal framework defining the international and national points of reference governing this approach, and setting out how environmental considerations are to be incorporated into the various stages of the preparation and performance of public contracts.

Within this framework, the present Part seeks to provide a comprehensive theoretical and legislative account of the integration of the environmental dimension into public procurement, by addressing, first, the conceptual and theoretical foundations of Green Public Procurement (I), before proceeding to examine the relevant national legal provisions relating to public procurement and environmental protection, with a view to determining the extent to which the Algerian legislator has incorporated environmental considerations into public procurement (II).

I. Conceptual and Theoretical Foundations of Green Public Procurement:

The integration of the environmental dimension into public procurement cannot be understood independently of the theoretical framework underpinning it, since any legislative or regulatory approach aimed at incorporating environmental considerations into public procurement must necessarily be grounded in clear conceptual and theoretical foundations.

Public procurement is no longer merely a means of meeting the needs of public services or an instrument for public expenditure; rather, it has become a strategic mechanism for implementing public policies across the economic, social, and environmental spheres.

Against the backdrop of growing international attention to environmental protection and sustainable development, the concept of “Green Public Procurement” (GPP) has emerged as one of the modern mechanisms through which public procurement can be directed towards goods, services, and works with a lower environmental impact, thereby contributing to a balance between the requirements of economic development and the imperatives of protecting natural resources.

Accordingly, an examination of the conceptual and theoretical foundations of Green Public Procurement requires, first, an examination of the definition of public procurement and its various dimensions; second, a definition of Green Public Procurement and an identification of its key determinants; and, finally, an examination of the relationship between Green Public Procurement and sustainable development.

1. Definition of Public Procurement and Its Dimensions:

Public procurement constitutes one of the most important legal instruments employed by the State to implement its development policies. It provides the legal framework through which major public projects are carried out, public services are managed, and public needs are met.

Legal scholarship has defined public procurement as **“contracts pursuant to which the contracting party undertakes to perform work for the benefit of the public administration in return for a specified price”** (Ghanes, 2006, p. 49).

It has also been defined as **“ a procedure based on competition and award without negotiation for public purchasing contracts (public procurement), based on a single criterion, namely price”** (Bakhabaz, Cairo, p. 95).

The Algerian legislator, for its part, defined public procurement in Article 2 of Law No. 23-12 as **“ written contracts concluded for consideration by the public purchaser, referred to as the ‘contracting authority’, with one or more economic operators, referred to as the ‘contracting economic operator’, for the purpose of meeting the needs of the contracting authority in the fields of works,**

supplies, services, and studies, in accordance with the conditions laid down in this Law and in the legislation and regulations in force” (23-12, 2023, p. 5).

Although public procurement is, by its very nature, primarily an instrument with an economic dimension, its effects are not confined to this dimension but extend to the social and environmental spheres.

It has consequently become an effective means of influencing market behaviour and encouraging undertakings to comply with contemporary standards relating to quality, safety, and environmental protection. Public procurement is therefore no longer merely a contractual relationship of a financial nature; rather, it has evolved into a strategic mechanism for implementing public policies across various fields, particularly environmental policies aimed at preserving natural resources and ensuring their sustainable use for the benefit of future generations.

2. Definition of Green Public Procurement and Its Key Determinants

Against the backdrop of growing international attention to environmental issues, the concept of **“Green Public Procurement”** (GPP) has emerged (OECD, 2015) as a modern extension of the traditional function of public procurement.

The European Commission defines Green Public Procurement as follows: **“Green Public Procurement is a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function”** (Commission, 2008).

It has also been defined in the economic and environmental literature as **“a policy aimed at directing public demand towards products and services that are more environmentally friendly and at reducing the environmental impact of public activities”** (OECD, Going green: Best practices for sustainable public procurement, 2015).

Accordingly, Green Public Procurement is based on a number of fundamental determinants, the most significant of which include taking the environmental dimension into account when preparing tender specifications; adopting environmentally friendly technical specifications; rationalising the consumption of energy and natural resources; promoting recycling; and reducing waste and pollutant emissions.

It is also based on a shift from the criterion of the lowest price towards a broader concept of best value, which takes into consideration the long-term environmental and economic impacts of procurement.

3. The Relationship Between Green Public Procurement and Sustainable Development:

Green public procurement is closely linked to the principle of sustainable development, which rests on achieving a balance between economic growth, environmental protection, and social justice. Green public procurement constitutes one of the practical mechanisms through which the State can give effect to the objectives of sustainable development by directing public expenditure towards products, services, and projects that are more environmentally responsible.

This orientation is no longer merely optional or ethical in nature; it has become an increasingly established requirement under international instruments and environmental agreements, as well as under national legislative trends that have progressively incorporated environmental requirements into the laws governing public procurement. Public procurement has thus become a point of convergence between development needs and environmental requirements, rendering it a strategic instrument for achieving balance among the economic, social, and environmental dimensions.

Furthermore, sustainable development has, in recent decades, become one of the most prominent concepts attracting the attention of States and international organisations, as it constitutes a framework for reconciling the requirements of economic growth with environmental preservation and the realisation of social justice. This concept has become directly linked to public procurement, insofar as the latter is a principal instrument through which the State translates its policies into practice. If sustainable development rests on three fundamental pillars — the economic, social, and environmental dimensions — public procurement represents an effective vehicle for giving effect to these dimensions through the projects it carries out and the requirements it imposes on economic operators.

The environment constitutes a pivotal dimension of sustainable development, since any development project that fails to take account of its environmental impact may be regarded as deficient and may even become a source of risk to both society and the economy. For this reason, international instruments — beginning with the United Nations Conference on the Human Environment held in Stockholm in 1972, followed by the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992 (UNCED, 1992), and subsequently the Paris Agreement on Climate Change of 2015 (Nation, 2015) have affirmed the necessity of integrating environmental protection into public policy generally, including public procurement, as an effective instrument for achieving the objectives of sustainable development.

The fundamental link between environmental protection and sustainable development in the field of public procurement lies in the fact that procurement constitutes a practical instrument for implementing the State's environmental obligations. Public procurement may, for example, contribute to reducing greenhouse gas emissions by imposing environmentally sound technical standards on the companies executing public projects, or by adopting renewable energy sources in supply and equipment procurement processes. It may likewise serve as a means of sound waste management, by requiring recycling and treatment systems to be incorporated into tender specifications. In this way, the public contract is transformed from a mere financial instrument into a means of giving effect to the State's environmental policies and achieving sustainable development.

This relationship is also evident in the incentivising role that public procurement plays vis-à-vis economic operators: the imposition of stringent environmental standards by the administration drives enterprises towards innovation in production techniques, the use of new, less polluting materials, and the adoption of management systems that take environmental criteria into account. The market itself thereby becomes oriented towards sustainability, which enhances competitiveness and encourages enterprises to integrate into the green economy.

Moreover, integrating the environmental dimension into public procurement strengthens citizens' confidence in public policy, as they perceive that the State is concerned not only with the completion of physical projects, but also with safeguarding their right to a sound and clean environment. This reflects the social dimension of sustainable development, whereby public procurement becomes an instrument for protecting public health, ensuring quality of life, and reducing the environmental risks that may arise from poorly conceived projects.

In addition, the success of the link between environmental protection and sustainable development through public procurement depends on the extent of available political will, given that the genuine integration of the environmental dimension requires additional financial investment that may at times be regarded as a burden on the public budget. A strategic perspective, however, holds that such costs are offset in the longer term through the reduction of environmental harm, lower pollution costs, and the avoidance of the economic and social losses arising from environmental degradation.

Accordingly, it may be said that public procurement constitutes a bridge linking environmental protection and sustainable development: it is a legal and regulatory instrument capable of transforming environmental principles into enforceable practical obligations. Public projects that have due regard to the environment not only protect nature, but also contribute to balanced economic development and ensure social stability grounded in intergenerational justice. This underscores the need to reinforce and consolidate this orientation through legislative and institutional measures, so that the integration of the environmental dimension into public procurement becomes an established rule rather than a mere exception or contingent choice.

II. Manifestations of the Integration of Green Public Procurement into Law No. 23-12:

The legislative framework governing public procurement in Algeria has undergone significant development with the enactment of Law No. 23-12 on Public Procurement. Through this legislation, the legislator sought to integrate environmental considerations into the various stages of the preparation, award, and performance of public contracts, in a manner consistent with the requirements of sustainable development and Algeria's environmental commitments.

This approach reflects the transformation in the role and function of public procurement. Public procurement is no longer viewed merely as a means of meeting the needs of contracting authorities and implementing public projects; rather, it has increasingly become a legal and strategic instrument for steering economic activity towards more sustainable and environmentally responsible practices.

This orientation is reflected in a number of legal mechanisms relating, in particular, to the identification of needs, the preparation of tender specifications, and the conditions governing participation in calls for tender.

1. Linking the Identification of Needs to the Public Interest, Environmental Protection, and the Objectives of Sustainable Development

The identification of needs constitutes one of the most important stages preceding the award of a public contract, as it enables the contracting authority to determine its actual requirements and define the specifications of the project to be implemented.

In this regard, Article 7 of Law No. 23-12 provides that: **“When identifying the needs to be met by the contracting authority, the public interest, respect for the environment, and the objectives of sustainable development must be taken into consideration”**.

This legislative provision reflects a clear tendency towards broadening the concept of public need so as to encompass environmental considerations alongside traditional economic and functional considerations.

Accordingly, the contracting authority is required to take into account the environmental impacts associated with the project, service, or procurement concerned from the planning stage onwards. This enables it to adopt options that are more consistent with the requirements of sustainable development and to limit recourse to products or technologies that may have adverse effects on the environment.

Furthermore, this provision provides a legal basis for the contracting authority to steer public procurement towards more sustainable solutions, thereby contributing to the reconciliation of economic efficiency with environmental protection.

2. Incorporating Environmental Considerations into Tender Specifications:

Tender specifications constitute the fundamental legal instrument governing the rights and obligations of the parties to a public contract. Accordingly, the Algerian legislator has sought to incorporate the environmental dimension into this contractual instrument.

Article 60(4) of Law No. 23-12 on Public Procurement provides that: **“Provisions relating to respect for and protection of the environment, as well as the use of new and renewable energy sources, shall be included in the tender specifications”**

Accordingly, this provision enables the contracting authority to incorporate environmental specifications and criteria into the tender specifications, tailored to the nature of the project concerned. These may include requiring the use of environmentally friendly materials, adopting technologies that reduce pollution, or requiring the contractor to take the necessary measures to manage waste generated by the works in accordance with the applicable environmental legislation.

This approach also promotes the use of renewable energy in public projects, thereby contributing to the reduction of adverse environmental impacts and enhancing the efficient use of natural resources.

The significance of this provision lies in the fact that it elevates environmental considerations from the level of general principles to that of enforceable contractual obligations, thereby strengthening the effectiveness of the State’s environmental policy through the instrument of public procurement.

3. Incorporating Environmental Criteria into the Conditions for Participation in Calls for Tender:

Further reinforcing the role of the environmental dimension within the public procurement system, Article 63 of Law No. 23-12 provides that the tender specifications relating to national calls for tender must include minimum participation requirements covering administrative, legal, financial, technical, and environmental aspects.

This provision demonstrates that the legislator has not merely treated environmental considerations as a secondary element in the evaluation of bids; rather, it has incorporated environmental requirements among the criteria to be taken into account when examining candidates’ applications and qualifications.

Such requirements may encourage contractors to improve their environmental performance and develop their production methods in accordance with environmental protection requirements.

They may also result in the exclusion of contractors who fail to meet the environmental requirements specified in the tender specifications, thereby enhancing the effectiveness of incorporating the environmental dimension into competitive procurement procedures and the selection of the contractor.

From a comparative perspective, Algeria’s approach to green public procurement is broadly consistent with recent international trends, particularly those developed within the European Union, which constitutes one of the leading models in the field of green public procurement.

The institutions of the European Union have established a range of directives and criteria aimed at integrating environmental considerations into the various stages of public procurement, with particular emphasis on contemporary concepts such as life-cycle costing and the environmental impact of the products and services subject to procurement.

By contrast, although Algerian Law No. 23-12 on Public Procurement expressly incorporates the principles of environmental protection and sustainable development into the stages of needs identification, preparation of tender specifications, and determination of participation requirements, the implementation of these provisions still requires more detailed implementing regulations and precise technical mechanisms capable of objectively measuring and assessing environmental performance.

In light of the foregoing, it may be observed that the approach adopted by the Algerian legislator under Law No. 23-12 is broadly aligned, in terms of its general objectives, with contemporary international trends. However, comparison with certain more advanced experiences reveals differences in the degree of legislative and regulatory development and in the mechanisms available for implementation.

The United States is among the prominent countries in integrating environmental considerations into its public procurement system. Environmental considerations have been progressively incorporated into the federal public procurement framework (US, n.d).

This approach was further strengthened by Executive Order 14057, issued in 2021 on catalyzing clean energy industries and jobs through Federal sustainability, which sought to leverage federal procurement to advance the transition towards a clean-energy and low-carbon economy (thewhiteHouse, 2021)

The U.S. approach to green public procurement has not been limited to the recognition of general environmental protection principles; rather, it has been supported by a range of practical mechanisms designed to ensure the effective implementation of environmental criteria. Within the federal procurement system, federal agencies are required, subject to applicable requirements and exceptions, to give preference to energy-efficient products and products containing recovered or recycled materials, while incorporating relevant environmental requirements into technical specifications and the evaluation of offers (administration, 2026).

The U.S. administration also relies on specialized programs for identifying products that meet established environmental or energy-efficiency criteria, thereby assisting contracting authorities in making purchasing decisions consistent with sustainability objectives.

These include the ENERGY STAR program, administered jointly by the U.S. Environmental Protection Agency EPA (Energy, s.d.) and the U.S. Department of Energy (DOE), as well as the Federal Energy Management Program FEMP (Program, s.d.), which provides federal agencies with guidance and resources for improving energy efficiency and implementing sustainable procurement practices.

Such mechanisms contribute to steering public procurement towards supporting green markets and encouraging economic operators to develop products and services that are more environmentally responsible. In this respect, public procurement becomes an effective instrument for reconciling economic efficiency with the requirements of environmental protection.

In France, the public procurement system has undergone significant development in terms of integrating the environmental dimension, particularly following the enactment of the Climate and Resilience Act of 2021 (République Française, 2021); This legislation marked an important development in French public procurement by strengthening the role of environmental considerations throughout the various stages of the award and performance of public contracts.

This approach is based on the recognition of public procurement as a strategic instrument for achieving the State's environmental policy objectives, by encouraging economic operators to adopt more sustainable patterns of production and consumption and by transforming environmental considerations from merely preferential elements into fundamental criteria in the evaluation of bids and the selection of contractors.

A distinctive feature of the French approach lies in its reliance on advanced scientific and technical tools for assessing the environmental performance of submitted bids. Among the most significant of these is the life-cycle costing methodology (Life-Cycle Costing – LCC), which enables the contracting authority to estimate the actual overall cost of a product or service throughout its life cycle, from the extraction and

manufacturing stages, through operation and maintenance, to dismantling, recycling, or final disposal, rather than considering only its initial purchase price.

The contracting authority also relies on nationally and European-recognized environmental labels and certifications, particularly ecolabels (Écolabels), to verify the extent to which products and services comply with the required environmental standards. This contributes to enhancing the transparency and objectivity of the selection process and limiting the scope of administrative discretion when evaluating bids and selecting economic operators.

This legal and institutional framework has contributed to establishing French public procurement as an important instrument for promoting the environmental criterion, by directing public expenditure towards products and services with lower environmental impacts, in a manner consistent with national and European commitments relating to sustainable development and carbon neutrality.

Compared with these approaches, Law No. 23-12 on Public Procurement represents an important step towards consolidating green public procurement in Algeria, particularly by requiring respect for the environment and the objectives of sustainable development to be taken into consideration when identifying needs, requiring contracting authorities to incorporate environmental provisions into tender specifications, and taking environmental considerations into account among the participation requirements in calls for tender.

However, these provisions remain, for the most part, general and framework-oriented in nature, making their practical effectiveness dependent on the adoption of more detailed implementing and regulatory provisions.

It is also observed that Algerian legislation has not yet reached the level of technical precision adopted in certain comparative systems, particularly with regard to establishing quantitative indicators for assessing environmental performance and defining clear national criteria for green products and services. This situation gives contracting authorities a relatively broad margin of discretion, which may result in variations in the application of environmental requirements from one contracting authority to another.

Accordingly, it may be observed that the Algerian approach is moving towards the consolidation of green public procurement ; However, its effective implementation requires a transition from the stage of general principles to that of practical application, through the completion of the regulatory framework, the development of environmental measurement and monitoring tools, and the use of comparative experiences; Such measures would contribute to transforming public procurement into an effective instrument for achieving sustainable development and promoting the green economy.

III. Legislative Integration between Environmental Legislation and Public Procurement Legislation

The Algerian legislative approach to integrating the environmental dimension into public procurement cannot be examined in isolation from the environmental legal framework within which it operates. Environmental legislation provides the legal framework and reference upon which public procurement relies in pursuing sustainable development objectives.

However, this framework raises a fundamental question: **does the existing integration between environmental legislation and public procurement legislation amount to genuine legal coherence, or is it limited to a merely formal convergence between legal provisions, without effective mechanisms for their implementation?**

To address this question, it is necessary to examine the provisions of Law No. 03-10 on the Protection of the Environment within the Framework of Sustainable Development (03-10, 2003), followed by Law No.

01-19 on Waste Management (01-19, 2001), before assessing the significance of this legislative integration and the prospects for its effective implementation.

2. The Role of Law No. 01-19 in Supporting Green Public Procurement:

Law No. 01-19 of 12 December 2001 on the Management, Control and Disposal of Waste, referred to above, constitutes a highly significant complementary legislative instrument for strengthening the environmental dimension of public procurement, given the practical and operational nature of its provisions. Its direct impact is manifested in three principal areas of public procurement:

A. Works Contracts:

The aforementioned Law No. 01-19 requires contractors carrying out public projects to adopt technical methods that reduce the volume of construction and demolition waste and limit their adverse effects on the environment. These procedural obligations may be incorporated as binding technical criteria into the tender specifications.

B. Supply Contracts:

The aforementioned Law No. 01-19 promotes the preference for and procurement of reusable or recyclable products, in line with the rational management of materials and the culture of waste recovery and valorisation. In the evaluation of bids within the framework of green public procurement, this environmental requirement may thus be translated into a preferential technical criterion, giving priority to bidders whose supplies provide sustainable solutions that reduce the depletion of natural resources.

C. Service and Study Contracts:

The aforementioned Law No. 01-19 requires bidders to comply with stringent provisions concerning the safe disposal of waste generated in the course of service delivery. It also directs study contracts towards assessing the environmental impact of projects prior to their implementation.

It should be noted in this regard that the effectiveness of the aforementioned Law No. 01-19 remains contingent upon the degree of coordination between its provisions and those of Law No. 23-12 on Public Procurement, referred to above.

This is because Law No. 01-19 was enacted within a legislative context that preceded the adoption of the modern concept of a sustainable public procurement system. This explains the limited procedural coordination between the two legal instruments and underscores the need to strengthen their integration through regulatory mechanisms capable of translating environmental obligations into concrete and applicable conditions and criteria within the tender specifications.

3. The Importance and Prospects of Integration Between Environmental Legislation and Public Procurement Legislation:

An examination of the provisions of Law No. 03-10 and Law No. 01-19 reveals that the Algerian legislature has established a legal framework that lays the foundations for a transition toward green public procurement, by enshrining the general principles of environmental protection and establishing rules governing waste management.

The significance of this integration lies in its potential to steer public procurement toward projects that are more environmentally responsible and to give concrete contractual effect to the State's environmental commitments.

However, the effectiveness of this integration remains conditional upon translating guiding principles into binding regulatory obligations. The mere enshrinement of the prevention principle or the polluter-pays principle is insufficient in the absence of regulatory provisions that translate these principles into mandatory and measurable requirements within tender specifications.

Ultimately, the transition from the mere legislative recognition of environmental principles to their effective implementation within the public procurement system remains contingent upon the adoption of supplementary regulatory instruments establishing precise and verifiable environmental criteria. Such instruments would ensure that this integration evolves from a discretionary approach into an institutional obligation.

Part Two: Challenges and Prospects for Implementing Green Public Procurement in Algerian Legislation:

While the first axis examined the theoretical and legal foundations of green public procurement in Algerian legislation, the legislative recognition of environmental principles alone is insufficient to ensure their effective implementation in practice. Practical implementation faces a range of challenges, including shortcomings in certain regulatory mechanisms, limited institutional and technical capacities, as well as economic and social constraints that may hinder the effectiveness of this approach.

These challenges are further compounded by the persistence of certain traditional perceptions that regard environmental criteria as an additional cost burden on public projects, whereas the modern approach views them as a long-term strategic investment that contributes to the rationalization of public spending, the strengthening of environmental governance, and the achievement of sustainable development objectives.

Accordingly, this axis seeks to highlight the main challenges facing the implementation of green public procurement in Algerian legislation (first), and to explore future prospects and mechanisms for its further development (second), with a view to establishing a contractual framework that is more consistent with the requirements of sustainability and contemporary legislative trends.

I. Challenges Confronting the Implementation of Green Public Procurement in Algerian Legislation

The transition of green public procurement from legislative recognition to effective implementation raises a number of practical difficulties that limit the effectiveness of this emerging approach within the Algerian legal system.

Although Law No. 23-12 on Public Procurement has introduced positive developments toward integrating environmental considerations into the various stages of the award and performance of public contracts, practical implementation reveals a range of multidimensional challenges encompassing legal and regulatory, technical and institutional, as well as economic and social aspects.

The interplay of these factors affects the ability of the contracting authority to translate environmental principles into effective contractual practices that contribute to the achievement of sustainable development objectives.

1. Legal and Regulatory Challenges:

The legal and regulatory framework constitutes a fundamental pillar for the implementation of green public procurement. However, the existing legislative framework reveals a number of difficulties that may limit the effectiveness of the environmental provisions introduced by Law No. 23-12.

The first of these difficulties lies in the limited regulatory framework governing the environmental requirements set out in the law. Although Articles 60 and 63 provide for the incorporation of environmental considerations into tender specifications and conditions of participation, they leave the contracting authority considerable discretion in determining how these requirements are to be formulated and implemented.

The absence of implementing provisions and precise technical standards may lead to disparities in practice among different contracting authorities and may prompt some of them to rely on traditional contractual approaches in order to avoid the procedural difficulties associated with incorporating environmental requirements.

Another difficulty concerns the relationship between environmental protection requirements and the imperatives of public expenditure control, given that certain products and services that meet environmental standards may entail higher initial costs than conventional alternatives.

In the absence of clear legal criteria for assessing long-term environmental and economic benefits, some contracting authorities may hesitate to adopt such options for fear of attracting observations from oversight bodies concerning compliance with the principles of economic efficiency and the rationalization of public expenditure.

Moreover, Algerian environmental legislation—particularly Law No. 03-10 on Environmental Protection in the Framework of Sustainable Development and Law No. 01-19 on the Management, Control and Disposal of Waste—enshrines important environmental principles, such as the prevention principle and the polluter-pays principle. However, the mechanisms for integrating these principles into public procurement procedures still require further legislative and regulatory clarification and coordination, so as to transform them from general guiding principles into practical, applicable, and verifiable criteria.

2. Technical and Institutional Challenges:

In addition to the legal challenges, green public procurement faces technical and institutional difficulties that affect the effective application of environmental criteria within public procurement procedures.

One of the most significant challenges is the absence of an integrated national system of environmental standards that would enable the objective verification of the conformity of products and services with the required environmental specifications. This contrasts with certain comparative experiences that rely on advanced systems of eco-labels and accredited certifications to verify compliance with applicable environmental standards.

In France, several official eco-labels, such as the EU Ecolabel and the NF Environnement label, are used as means of demonstrating the conformity of products and services with environmental standards in public procurement. Public procurement rules also allow contracting authorities to refer to such certifications for the purpose of verifying the environmental characteristics of submitted bids (Commission, EU Ecolabel, 2024)

In Germany, the Blue Angel label is used as a reference for assessing the environmental performance of products and services within the framework of sustainable public procurement (Agency, 2024).

In Algeria, by contrast, environmental assessment tools remain relatively limited, which affects the effectiveness of applying environmental criteria in public procurement procedures.

Furthermore, the absence of precise quantitative indicators for measuring environmental performance may broaden the scope of discretion available to bid evaluation committees. This may raise concerns regarding

the objectivity of the evaluation and compliance with the principle of equal treatment of candidates, and may consequently increase the likelihood of appeals and disputes relating to the procedures for selecting the successful bidder.

In addition, a number of contracting authorities have limited access to specialized technical expertise, particularly at the level of local authorities and certain public institutions. The incorporation of environmental criteria and the preparation of tender specifications that reflect sustainability requirements require specialized competencies capable of assessing the environmental impact of projects, conducting life-cycle cost analyses, and evaluating the environmental and economic benefits associated with different contractual options.

3. Economic and Social Challenges:

The effectiveness of green public procurement is also closely linked to the nature of the economic and social environment in which it is implemented, giving rise to a number of challenges related to the ability of economic operators to adapt to new environmental requirements.

The majority of Algerian economic enterprises, particularly small and medium-sized enterprises (SMEs), continue to rely on traditional production methods, which may make immediate compliance with advanced environmental standards financially and technically burdensome. This may, in turn, affect their participation in competitive procurement procedures or their ability to fulfil the environmental obligations required during contract performance.

Furthermore, public procurement practices still tend, in many cases, to give considerable weight to financial considerations when evaluating bids, although Law No. 23-12 on Public Procurement adopts the criterion of the “most advantageous bid in terms of economic advantages” or the “best quality/price ratio.” However, translating this approach into practice continues to face difficulties related to the limited integration of environmental criteria into the bid evaluation process, which may limit the effectiveness of green public procurement in achieving sustainable development objectives.

Accordingly, it is clear that the success of green public procurement in Algeria depends not only on the existence of legal provisions recognizing the environmental dimension, but also on addressing the legal, regulatory, technical, and economic challenges that may hinder its effective implementation. This would pave the way for a more advanced stage in the implementation of this contractual model and strengthen its role as an instrument for achieving sustainable development.

II. Future Prospects for Implementing Green Public Procurement in Algerian Legislation:

The implementation of green public procurement in Algerian legislation represents a strategic policy choice in light of global environmental challenges and Algeria’s international commitments in the fields of environmental protection and sustainable development. While the current situation reveals a number of obstacles that limit the effectiveness of this approach, future developments offer broad opportunities for reform and advancement at the legislative and regulatory, institutional and technical, as well as economic and social levels.

1. Legislative Reform as a Mechanism for Strengthening the Integration of the Environmental Dimension into Public Procurement:

One of the main future prospects lies in strengthening the legal framework in a manner that would make the integration of the environmental dimension into public procurement a binding requirement rather than a matter of discretion. This would require a comprehensive review of public procurement legislation with a view to introducing explicit provisions that clearly establish the following:

- The mandatory inclusion of environmental criteria in tender specifications;
- The introduction of indicators for measuring the environmental impact of public projects;
- The establishment of an effective sanctions regime applicable to economic operators that fail to comply with their environmental obligations.

Efforts should also be directed toward harmonizing the relevant legal provisions governing environmental protection, investment, and public procurement, in order to avoid inconsistencies and overlaps that may hinder effective implementation. Such harmonization would contribute to creating a clearer and more transparent legal framework capable of supporting the achievement of sustainable development objectives through public procurement.

2. Strengthening Technical and Institutional Capacities:

An effective transition toward green public procurement cannot be achieved through reliance on legal provisions alone. It also requires human, institutional, and technical capacities capable of understanding environmental requirements and incorporating them into the various stages of the award and performance of public contracts.

In this regard, efforts should be directed toward strengthening the administrative and technical framework through a range of mechanisms, most notably:

- Intensifying training and capacity-building programs for officials and staff responsible for preparing and monitoring public contracts, enabling them to acquire the necessary knowledge of environmental criteria and evaluation methods associated with sustainable public procurement;
- Developing precise technical tools and standards for assessing the environmental performance of economic operators and the products and services subject to procurement, thereby ensuring objective evaluation and transparency in the selection of bids;
- Strengthening the role of oversight bodies and authorities responsible for environmental protection by providing them with the human and technical resources necessary to monitor compliance with environmental obligations during the performance of public contracts;
- Enhancing coordination among the various stakeholders involved in public procurement and environmental protection, thereby promoting the harmonization of practices, the exchange of expertise, and the adoption of an integrated approach to sustainable public procurement.

Consideration could also be given to establishing a specialized national body or agency responsible for supporting and evaluating the integration of the environmental dimension into public procurement. Such a body could be tasked with preparing guidance manuals, proposing technical standards, and monitoring the extent to which contracting authorities comply with environmental objectives, thereby contributing to the development of a culture of green public procurement and the achievement of sustainable development objectives.

It is also worth noting that one of the most important future prospects lies in using public procurement as a tool to stimulate the green economy and encourage enterprises to innovate in the field of clean technologies. State-led public procurement could become a key driver of the development of a local green market, supporting national enterprises and creating new employment opportunities in areas such as renewable energy, recycling, and green building.

Furthermore, raising public awareness of the importance of integrating the environmental dimension into public procurement could contribute to fostering a new environmental culture in which respect for the

environment becomes a social expectation applicable to both contracting authorities and economic operators.

Ultimately, the future prospects for integrating the environmental dimension into public procurement require genuine political commitment and practical reforms that go beyond formal recognition. Legal provisions alone are insufficient in the absence of strong institutions and qualified human resources, just as legislation remains incomplete unless accompanied by economic and social incentives capable of changing prevailing perceptions of environmental protection. Algeria therefore has an opportunity to develop an integrated national model in which public procurement serves as a key instrument for achieving a balance between economic development and environmental protection.

Conclusion

In recent years, green public procurement has emerged as one of the modern mechanisms adopted by various legal systems to steer public procurement toward achieving sustainable development objectives and protecting the environment.

Within this framework, the Algerian legislature, through Law No. 23-12 on Public Procurement, has sought to establish a legal framework enabling the integration of environmental considerations into the various stages of the award and performance of public contracts. This reflects the gradual transformation of the public contract from a mere means of meeting the needs of public services into a strategic instrument for achieving the State's economic, social, and environmental objectives.

This study has shown that the Algerian legislature has taken an important step toward establishing the concept of green public procurement by requiring contracting authorities to take into account environmental protection requirements and sustainable development objectives when determining their needs, incorporating environmental provisions into tender specifications, and taking environmental considerations into account when establishing conditions of participation and selecting the economic operator.

The study has also revealed a degree of integration between public procurement legislation and certain environmental laws, particularly Law No. 03-10 on Environmental Protection in the Framework of Sustainable Development and Law No. 01-19 on the Management, Control and Disposal of Waste.

However, the study has also demonstrated that the effectiveness of this approach continues to face a range of legal, regulatory, technical, and economic challenges. These include, in particular, the limited regulatory framework governing environmental criteria, the absence of precise tools for assessing the environmental performance of bids, the limited specialized technical expertise available to certain contracting authorities, as well as the difficulties that economic operators may encounter in adapting to modern environmental requirements.

Consequently, the transition from legislative recognition to effective implementation remains contingent upon completing the regulatory and institutional framework necessary to give practical effect to these requirements.

On the basis of the findings of the study, a number of recommendations may be put forward:

- Completing the regulatory framework relating to green public procurement by adopting implementing provisions that define environmental criteria and establish mechanisms for their incorporation and evaluation with greater precision and clarity;

- Developing a national system of environmental standards and certifications that enables the objective verification of the conformity of products and services with the required environmental specifications;
- Adopting modern bid-evaluation tools that take into account the total cost of projects and their environmental impacts, thereby achieving a balance between economic efficiency and the requirements of sustainability;
- Strengthening specialized training for public officials and members of public procurement committees in the fields of environmental criteria and sustainable public procurement mechanisms;
- Encouraging national economic operators, particularly small and medium-sized enterprises, to adopt sustainable environmental practices by providing a legal and economic environment supportive of the transition toward a green economy.

Ultimately, green public procurement may be regarded as an important legal mechanism for directing public expenditure toward the achievement of sustainable development objectives by reconciling the requirements of economic efficiency, environmental protection, and social responsibility.

However, the success of this approach in Algeria remains contingent upon completing the regulatory framework and developing the technical and institutional tools necessary for its effective implementation. This would enable environmental principles to be transformed from mere legislative requirements into effective contractual practices, thereby contributing to the development of a more sustainable model of development that is consistent with contemporary trends in comparative legislation and with Algeria's sustainable development objectives.

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Declaraciones

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