PUBLIC PROCUREMENTS OF NON-POLLUTING VEHICULES IN ROMANIA: FROM LEGISLATION TO PRACTICE

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Abstract
The paper analyses how public institutions in Romania comply with the requirements imposed by legislation in public procurements of vehicles. The research question aims to determine the extent to which contracting authorities comply with these criteria within public procurement procedures. To answer this question, a document analysis of several procurement procedures carried out between 2022-2024 was conducted, using the information available in the Electronic Public Procurement System (SEAP). Both the technical aspects outlined in the specifications and the contract values, the types of vehicles targeted, and the evolution of ecological requirements over time were analyzed. The results show that most of the analyzed procedures comply with the provisions of legislation, but there are also cases of partial compliance, where CO2 emissions are not clearly specified or are vaguely expressed. Over the course of the three years, a positive trend of clarification and improvement of environmental requirements is observed, as well as a significant increase in interest in hybrid and electric vehicles, especially in 2024. The paper highlights the importance of rigorous monitoring of ecological compliance, as well as the need to develop public policies tailored to the value of contracts and the capacity of institutions.

Key words: *green public procurements; non-polluting vehicles; public acquisitions; Romanian legislation;*

JEL Classification: *H87, H83, H57*

I. INTRODUCTION

A green economy is an economic system that stresses sustainability and environmental protection (Jitareanu A. F., 2023). Green public procurements are part of a desired green economy which advocates green policies that are not detrimental to economic growth and development (Maran R. M. and Nedelea A. M., 2017). The theme of this paper refers to green public procurement in Romania and the compliance with the legislation regarding it, a topic whose concept aligns with the European Union's efforts to promote sustainability through public sector procurement. Green public procurement refers to the integration of environmental criteria into public procurement processes, aiming to minimize the negative impact of goods, services, and works purchased by public institutions on the environment. As a member state, Romania is forced to comply with EU regulations and directives that mandate the integration of sustainable practices in public procurement. This research investigates whether the public procurement system in Romania complies with the legislation on green public procurement.

The importance of this research cannot be underestimated, considering the EU's ambitious goals for environmental protection, climate change mitigation, and sustainable development. Green public procurement represents one of the tools available to public institutions to set an example in the field of sustainability. Therefore, it is very important to evaluate whether Romania, as part of the EU, successfully implements these practices in accordance with EU directives as well as national ones. To achieve this, the study will focus on data collected from the website of the National Agency for Public Procurement (ANAP), the Romanian portal where institutions publish their procurement documents, which include specifications describing the goods, services, and works they intend to purchase, as well as the requirements that suppliers must meet. By analyzing these documents, this study will examine whether the environmental criteria established in legislation are clearly defined and respected in public procurement processes in Romania.

This study primarily provides an in-depth examination of green public procurement in Romania, a subject that has not been extensively studied. From the priority groups of products and services, the study will focus on

the category of transport vehicles. Secondly, it provides a comparison between the legal frameworks governing green procurement in the EU and the actual implementation in Romania. This comparison is essential for identifying gaps and discrepancies between the expected and actual outcomes of public procurement. Thirdly, by using ANAP as the primary data source, the study provides a detailed and practical analysis of how public procurement in Romania is managed at the national level, focusing on real-world procurement documents.

This paper will focus on a few key research questions, which will serve as the foundation for the analysis: (1) To what extent do public procurement practices in Romania comply with EU regulations, as well as national regulations regarding green public procurement? (2) Does the public procurement system in Romania effectively implement "green" purchases, or does it merely adhere to surface-level compliance with EU directives? (3) What barriers or challenges exist that could hinder the effective implementation of green procurement in Romania? By answering these questions, the paper will provide important insights into how Romania can improve its public procurement system to better meet the EU's sustainability objectives. The results will inform decision-makers, public institutions, and practitioners in the field of public procurement about the current state of green public procurement in Romania and suggest ways to improve compliance and effectiveness in future public procurement processes.

II. THEORETICAL FRAMEWORK

The current state of research on green public procurement in Romania reflects a growing concern for integrating sustainability criteria into the public procurement process. In recent years, numerous studies and analyses have highlighted both the progress and the challenges encountered in implementing this concept in Romania. One of the most relevant studies is the "National Study on Green Public Procurement in Romania", conducted by the Romanian Association for Sustainable Local Development (ARDLD) and ONV LAW. It highlights the fact that only a small percentage of public authorities comply with the provisions regarding green public procurement. Moreover, Romania is among the last three countries in the European Union that have not adopted a National Action Plan for Green Public Procurement, which limits the coherent implementation of these practices (ARDLD & ONV LAW, 2021). Regarding the transport sector, recent research indicates an urgent need to modernize the fleet of vehicles used in public procurement. The National Union of Road Transporters in Romania (UNTRR) has proposed a subsidy program for the purchase of green trucks with alternative fuels and the development of the necessary infrastructure. This initiative aligns with European objectives, which impose mandatory targets for the purchase of non-polluting vehicles by public institutions (UNTRR, 2023). At the same time, the Council of the European Union set minimum targets in 2019 for the purchase of green vehicles in the public sector, which obliges Romania to accelerate the implementation of the corresponding measures. However, the adoption of these policies at the national level remains fragmented, mainly due to the lack of clear regulations and effective monitoring mechanisms (EU, 2019). Other studies related to green public procurements in Romania referred to challenges for upscaling them (Bilan A., 2023), to their sustainability (Bucea-Manea-Țoniș R. et al., 2021) or to practices at local authorities' level (Ciumara T. and Lupu I., 2020). Despite an increasing interest in green public procurement in Romania, its implementation remains deficient.

Green public procurement represents an essential mechanism for promoting sustainable development and reducing negative environmental impact. This concept involves integrating ecological criteria into the public procurement process, with the aim of using resources responsibly and reducing carbon emissions. Green public procurement does not only refer to sustainable products and services, but also to energy efficiency, the circular economy, and the promotion of green innovation (Green Business, 2023). For public procurement to be considered "green", it must meet certain environmental criteria: energy efficiency, reduction of CO2 emissions, use of recyclable and biodegradable materials, product durability, and efficient waste management. At the European level, green public procurement is regulated through various directives and strategies: Directive 2014/24/EU on public procurement, which obliges member states to include ecological criteria in the procurement process, the European Green Deal, which sets the goal of climate neutrality by 2050 and promotes public procurement as a strategic tool, and the Circular Economy Action Plan, which encourages reuse, recycling, and efficient resource use in public procurement.

In addition to this legislative framework, European environmental regulations directly influence procurement procedures in certain situations (for example, by imposing the obligation for contracting authorities to consider vehicle emissions and energy consumption, eco-design requirements, and the energy performance of products and buildings). In the spirit of the new strategic approach to public procurement promoted by the European Commission, the Council of the European Union, and the European Parliament adopted new directives

in 2014 aimed at simplifying and flexibilizing procedures, replacing the previous legislation from 2004 (European Union Official Journal, 2014). Since 2006, the European Commission has recommended that at least half of the total volume of purchases made by public authorities be represented by green purchases. To achieve this target, it has been proposed that each member state develop a National Action Plan for Green Public Procurement, which would include mandatory annual objectives.

In Romania, the legal framework regarding green public procurement includes Law no. 98/2016 on public procurement, which provides for the use of ecological criteria in the procurement process, the National Strategy for Sustainable Development, which promotes the implementation of green public procurement, and the Ministry of Environment's Guidelines, which offer recommendations for integrating environmental criteria into public tenders. In Romania, the effective implementation of green public procurement is mandatory only for the following categories of products and services: Computers, monitors, tablets, smartphones; copy paper and graphic paper; image processing equipment, consumables for image processing equipment; furniture; indoor cleaning products; textile products; electrical and electronic equipment used in the healthcare sector; products for the arrangement of green public spaces; water-fired heating plants; road lighting and signaling system; motor vehicles for road transport (Order no. Order No. 2395/2023, 2023). In Romania several significant legislative changes related to green public procurements took place. These include the modifications of Law no. 98/2016 on public procurement in April 2022, modification of GD no. 395/2016 in April 2023, Repeal of Order no. 1068/1652/2018 in December 2023, Approval of Order no. 2.395/2023 and Order no. 1946/2024, Repeal of Law no. 69/2016 on green public procurement in January 2024, repeal of Government Emergency Ordinance no. 40/2011 on the promotion of non-polluting and energy-efficient road transport vehicles and Law no. 37/2018 on the promotion of ecological transport), the adoption of the National Strategy in the field of public procurement 2023-2027 and the adoption of the National Program on green public procurement 2025-2030 in April 2025.

III. METHODS

The methodology used in this research is exploratory and descriptive in nature, based on the documentary analysis of legislation, policies, and existing studies on green public procurement. This approach allows for the identification of the main trends, challenges, and best practices in the field. In accordance with the aspects, this study is based on both qualitative and quantitative research, conducted through the analysis of data obtained from the examination of all awarding documentation published in the Electronic Public Procurement System (SEAP) over a period of 3 years.

For monitoring public procurement of vehicles intended for transport, the method of documentary analysis was applied to a sample consisting of the award documentation available in the Electronic Public Procurement System (SEAP), covering the period from 01.01.2022 to 31.12.2024. To eliminate any trace of subjectivity in the process of determining the "green" character of a tender, objective criteria were applied as follows: the subject of the auctions was exclusively represented by transport vehicles, the fulfilment of the ecological criteria stipulated in the specifications: namely (1) carbon dioxide emissions should not exceed the recommended thresholds (2) the offered vehicles must comply with the requirements imposed by the Euro 6 pollution standard. Additionally, the comparative research highlighted the differences between EU regulations and national ones, as well as identified the best practices applicable in Romania.

In addition to the documentary analysis, the paper includes an evaluation of the impact of implementing green public procurement on the economy and the environment, as well as the administrative obstacles that may influence this process. This methodology ensures a detailed approach to the subject, providing a solid foundation for pertinent conclusions and recommendations for the development of green public procurement in Romania.

IV. RESULTS AND DISCUSSIONS

The analysed period was from 01.01.2022 to 31.12.2024. During this period, 150 procurement procedures related to light transport vehicles, namely open tenders and simplified tenders, were published in the Electronic Public Procurement System (SEAP). In this analysis, the award procedures that were cancelled, as well as direct public procurements, were not included, as they do not constitute formal award procedures and, therefore, are not accompanied by public award documentation that can be subject to verification. The results on the SEAP website were filtered so that only the award notices related to vehicle participation notices appeared. The technical specifications from the specification’s documents were analysed, and it was determined whether a tender is green or not based on the following objective criteria: the subject of the tenders should be vehicles for transportation (passenger cars and light vehicles) and should comply with the green criteria.

Following the study, the results indicate that in the analysed period of 3 years, out of the total number of public procurement procedures (150), 76% of the tenders complied with the requirement. A percentage of 22% of the 150 award procedures partially complied with the APV Guide (using only one technical criterion out of the two mandatory and cumulative ones). The remaining 2% of the total public procurement procedures did not fully comply with the requirements of the Guide.

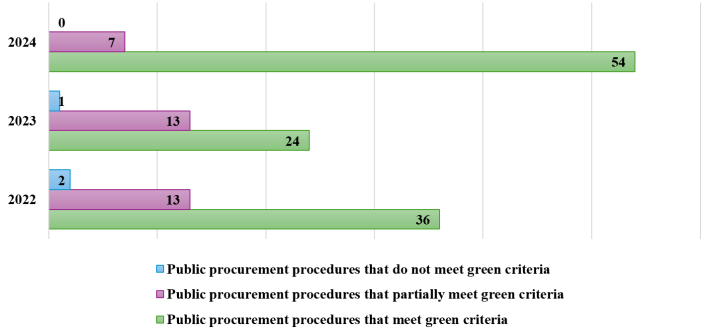

Figure 1 Green public procurement procedures related to transport vehicles

In 2022, a total of 51 procedures were identified, of which 71% complied with the provisions of law, 25% partially complied, and the remaining 4% did not comply with the law, according to Fig. 1. In 2023, the number of green public procurement procedures has decreased by 26%, but the number of procedures which partially completes the law remained the same and represents 34%. 63% of procedures in 2023 complied with the legal requirements. In 2024, a total of 61 procedures were identified, of which 89% complied with the provisions of low, while the other 34% represent procurement procedure which partially completes the rules. As it can be seen the number of procedures which do not comply the law is decreasing, even if the total number of green public procurement procedures are increased year by year.

To evaluate the efficiency of public spending in the direction of environmental policies, the values of public procurement procedures for vehicles were analysed, since if the procedures that meet green criteria have high values, it can be considered that the state's investments are oriented in an ecologically responsible direction. Out of a total of 624,477,111.38 lei, those related to procedures that comply with the provisions of the Order amount to 574,177,373.89 lei (92%), those that partially comply amount to 48,294,370.45 lei, and those that do not comply with the Order amount to 2,005,367.04 lei, being insignificant.

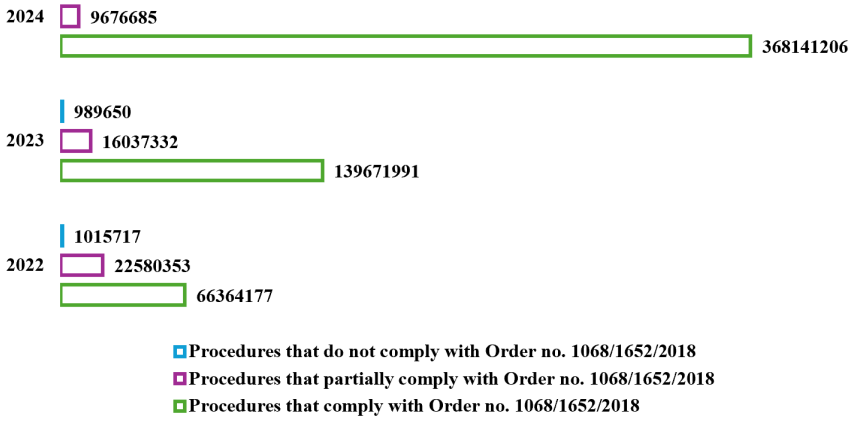

Figure 2 Values of public green public procurement procedures related to vehicles (lei)

Fig. 2 shows that during the analysed period, the value of green public procurements of vehicles in Romania faces a growing trend. In 2022, the total value of the green public procurement procedures is 89,960,246.72 lei, of which 74% pertains to the procedures that fully complied with the Order, 25% for those that partially complied, and 1% for those that did not comply with the Order. In 2023, the value of the procedures has increased by 75%, an increase which is followed by an increase in procedures that fully applied the law. These procedures represent 89%. it should be noted that the value of procedures that partially complied the law represent 10% of acquisitions. In 2024, the share of public procurement procedures complying the law has increased to 97% and there was no public procurement procedure that do not follow the rules.

Our samples refer to 150 public procurements of vehicles which were analysed. As it can been seen on Fig. 2, the Romanian authorities prefer to buy more pollutant vehicles than green vehicles. 11% of 150 acquisitions refer to hybrid vehicles, while 29% refer to electric vehicles.

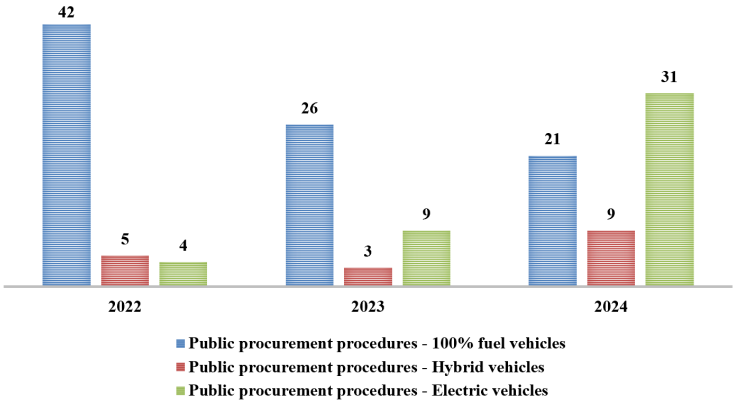

Figure 3 Green public procurement procedures by type of vehicles

In 2022, the Romania public institutions handled 51 public procurement procedures of vehicles containing 8% for hybrid vehicles and 7% electric ones. In the following two years it is observed that the number of pollutant vehicles has decreased and the number of electric vehicles increased. The acquisitions of electric cars made by public institutions increased by approximately 3 times, reaching 24% out of the total of 38 analysed procedures. The largest number of procedures to buy green vehicles was in 2024. In 2024 the share of green vehicles exceeds the share of pollutant vehicles, more over the electric vehicles represent 51% of total public acquisitions, been the first year in which requests for non-polluting vehicles predominated.

From a territorial point of view, the analysis was conducted by county resulting in the data shown in Table 2.

Table 2 Distribution of green public procurements procedures by counties

County	Procedures – fully comply the law			Procedures – partially comply the law			Procedures – do not comply the law		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Arad			3						
Bistrița Năsăud		1	1						
Brașov	1	1	2		1				
Bucharest	26	19	20	7	10	3	1	1	
Buzău					1	1			
Călărași			1						
Caraș-Severin			1						
Cluj	1	1	3	1					
Constanța		1		1					
Dâmbovița			1						
Dolj	3		3		1				
Galați			5						
Harghita			2			1			
Hunedoara	2								
Iași	1		3						
Ilfov	2		1			1			
Mehedinți			2						
Mureș		1	2	1					
Olt							1		
Prahova				1		1			
Satu Mare			1						
Timiș			1	1					
Tulcea				1					
Vaslui			2						

Since the number of public procurement procedures in each county, except for the municipality of Bucharest, is very small, an analysis was conducted at the regional level of Romania to be more relevant (Fig. 4).

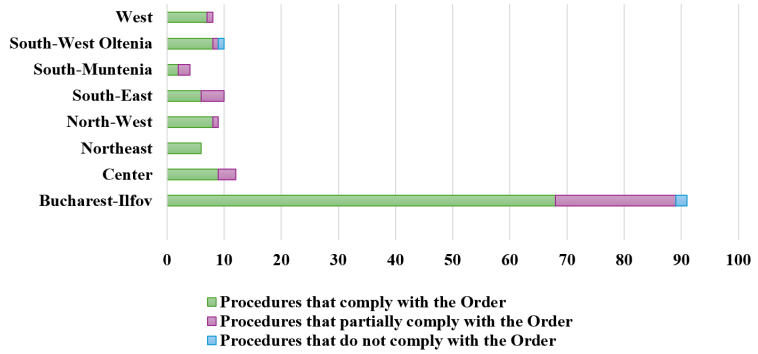

Figure 4 Distribution of green public procurements procedures by regions

As it can be seen, the public authorities from South-West Oltenia have the largest number of public procurement procedures which do not comply the law, while the in the counties from North-West all the acquisitions of green vehicles accomplish the law. South-Est counties are characterized by green public procurements of vehicles that partially are according to the law.

Regarding the types of procedures, an analysis was conducted to track whether the number of unexamined procedures could have influenced the results obtained. It was found that most public procurement procedures are represented by open bidding, and the number of other types of procedures is insignificant.

Table 3. Distribution of green public procurements procedures by types of procedures

Types of public procurement procedures	2022	2023	2024
Open tender	51	38	61
Competitive procedure with negotiation	2	0	0
Negotiation without prior publication	3	7	6

Source: Processed from SEAP by authors

During the analysed we can notice that the Romanian public authorities prefer to use open tenders as procurement procedure when they decide to by vehicles. We consider that it is important to see the number of cancelled public procurement procedures of vehicles. It was found that the share of cancelled public procurements procedure has been 30% in 2023, it increased to 37% in 2023 and decreased to 27% in 2024. In Fig. 5, it is observed that the number of cancelled procedures could have influenced the results if they had been completed, especially in 2023 when they represented over half of the completed and analysed procedures. However, in 2024, there is a decrease in the proportion of cancelled procedures, and it can be stated that the results would not have been significantly altered if these cancelled procedures had been completed.

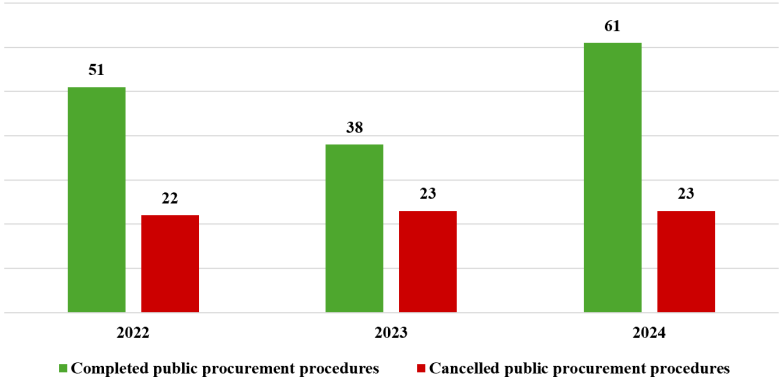

Figure 5 Completed and cancelled green public procurement procedures of vehicles

The purpose of the paper was to analyse how public institutions in Romania comply with the legal requirements for green vehicle purchases for transportation. The analysis conducted for the period from 01.01.2022 to 31.12.2024 shows that many institutions comply with the requirements of the Order, both regarding the Euro 6 pollution standard and CO2 emissions. However, there are also institutions that partially comply with the regulations, ignoring CO2 emissions, and a very small percentage are represented by institutions that do not comply with the regulations. Regarding the drafting of the requirements, there are institutions that clearly specify the CO2 emission limits, reflecting a correct and complete application of the regulations, but there are also institutions that publish announcements where the information is vague. For example, there is a reference to "compliance with the current legislation regarding pollution standards" without mentioning a

specific value, which can lead to variable interpretations. Additionally, there are cases where CO2 emissions are not mentioned, but they can be estimated based on the specified fuel consumption.

Over the years, there has been an increase in demand for hybrid and electric vehicles. If in 2022, the two together represented 15% of the analysed public procurement procedures, in 2024 the share of the two was 66%, which shows the desire and involvement of the public sector in Romania to minimize the negative impact that vehicles have on the environment. The results obtained are partially in line with the specialized literature, which emphasizes that in Romania, the application of green public procurement principles is often formal, and the documentation is sometimes drafted superficially. Regarding public procurement of vehicles, however, a difference is observed, considering that the percentage of those that comply with the regulations and are well-formulated is much higher. Compared to studies conducted on green public procurement of other goods and services, it can be observed that, regarding the purchase of vehicles, Romania is making increasingly greater and faster progress. Although compared to other EU member states, Romania seems to be in a process of gradual adaptation, the improvements observed in 2024 may indicate a positive response to legislative and public policy pressures in the field of sustainability.

V. CONCLUSION

One of the questions the paper aimed to answer is related to the extent to which Romania complies with regulations regarding green public procurement. The study focused on analyzing the public procurement procedures for vehicles and aimed to ensure simultaneous compliance with two environmental criteria, namely the Euro 6 pollution standard and adherence to certain CO2 emission limits. The results showed that between 2022 and 2024, many public institutions in Romania comply with these criteria, especially regarding the mention of the Euro 6 pollution standard. However, the component related to CO2 emissions is often formulated incompletely or ambiguously, and in a few cases, it is completely absent. In the three analysed years, only a very small number of public procurement procedures did not meet any of the environmental criteria. A positive evolution was observed in the formulation of requirements, which are clearer, as well as in the increase in interest for hybrid and electric vehicles, with demand for these in 2024 exceeding the demand for traditional fuel vehicles.

The results obtained contribute to a better understanding of how sustainability policies are implemented in practice in Romania. The study provides concrete data regarding the application of legislation in the field of green public procurement and highlights the fact that, although the legal framework is well-defined, its implementation is often partial or formal. At the same time, the results also confirm a trend of administrative maturation, in the sense that public institutions are gradually becoming more aware of their responsibility in the transition to a green economy. The paper complements the existing literature with an applied and updated example of green procurement in Romania and confirms, through exploratory research, the theory that legislative compliance does not automatically guarantee effective sustainability in the absence of clear and monitored criteria. The results can be useful for regulatory authorities (ANAP, Ministry of the Environment) to understand the weaknesses in the implementation of legislation and to develop standardized drafting guidelines. Additionally, sectoral analyses can be conducted to evaluate compliance with environmental requirements in other types of public procurement (IT equipment, furniture, food & catering services, cleaning products & services, etc.).

In practical terms, the work provides a basis for creating standardized guidelines for drafting environmental requirements, so that public institutions have a clear and easy-to-apply framework. At the same time, a digital self-assessment tool for compliance with legislation can be developed, which would help contracting authorities quickly verify whether the documentation meets ecological criteria. Additionally, the results can contribute to the development of more targeted public financial support policies, for example, through additional incentives for the purchase of zero-emission vehicles. Another possible application is the inclusion of ecological performance indicators in public procurement monitoring systems, which would contribute to a more transparent and rigorous evaluation of institutions' progress towards the green transition.

Like any applied research endeavor, this work also presents certain limitations that must be considered when interpreting the results. First, the analysis focused exclusively on public procurement of vehicles, without extending the evaluation to other types of goods or services that fall under the scope of green policies. Additionally, only the public award documentation was analyzed, and information regarding the vehicles delivered or put into circulation was not available, making it impossible to fully verify final compliance. Another limitation is the absence of exact CO2 emission values in some cases, which necessitated the use of estimates based on average consumption, a method that does not always accurately reflect reality. Additionally, the research did not include a qualitative component, such as interviews or questionnaires addressed to procurement officers, which could have provided a deeper insight into the motivations or difficulties faced by institutions in

implementing environmental requirements. Finally, the study was limited to the period 2022-2024, which does not allow for an analysis of the long-term impact of green procurement on the environment or public budgets.

In the perspective of developing research in the field of green public procurement, it is recommended to delve deeper into several directions that have not been addressed in this paper. First, it would be relevant to conduct an extensive longitudinal study that analyses the evolution of ecological requirements over a longer period, for example, 2018-2025, to more clearly capture the impact of the introduction of green criteria in practices of public institutions. Such an analysis could better highlight the stages of administrative transition and the actual degree of commitment to environmental policies. Additionally, future research could include a component correlating institutional dimension and ecological compliance; for example, it could be analysed whether larger institutions with more generous budgets tend to adhere more rigorously to green requirements compared to smaller ones in rural areas. Also in this direction, the influence of external consulting on the quality of the awarding documentation can be explored: to what extent does collaboration with experts or specialized firms contribute to the formulation of correct and clear green requirements? Another aspect worth analyzing is related to the economic and ecological efficiency of green purchases: research can be proposed to compare the total cost of ownership between conventional vehicles and those with low or zero emissions, to understand whether green purchases are also financially sustainable in the long term. Finally, behavioral perspectives can also be addressed: how much the attitude of procurement officers towards environmental protection matters in formulating requirements and selecting offers. Questionnaires, interviews, and perception analyses could add depth and highlight the often-ignored human dimension of public policies. The integration of such methods could lead to the development of predictive models regarding the degree of compliance, based on institutional, geographic, and attitudinal variables.

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