

# CONVENTION INTERNAZIONALE SUGLI APPALTI PUBBLICI

## INTERNATIONAL CONVENTION ON PUBLIC PROCUREMENT

**Roma, 6-7 Novembre 2025**

**Roma Eventi**

**Centro Conferenze Fontana di Trevi  
Piazza della Pilotta, 4 - Roma**

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# Green Procurement and ESG

## *Introduction to the round table*

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## Outlook:

1. A brief legal framework on the evolution of sustainable development principle
2. Beyond the environmental dimension of the principle
3. ESG and Public Administration
4. ESG and green public procurement

# 1. The evolution of sustainable development principle

## The international level

### Brundtland Report in 1987:

*“Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own Needs”*

- United Nations Conference on Environment and Development (1992):
- U.N. Framework Convention on Climate Change (1992)
- Convention on Biological Diversity (giugno 1992)
- And so on...

# The European Level

- 2010: Lisbon Treaty
  - Art. 2 TEU: *The Union shall set itself the following objectives: ... to promote economic and social progress and a high level of employment and to achieve balanced and sustainable development*
  - Art. 11 TFEU: *Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development*
- Art. 37 of the Charter of Fundamental Rights of The European Union Carta di Nizza: *A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development*



# Italy

## Italy's Constitutional Reform (2022):

### **Art. 9:**

*The Republic shall promote the development of culture and of scientific and technical research.*

*It shall safeguard the natural beauties and the historical and artistic heritage of the Nation.*

**It shall safeguard the environment, biodiversity and ecosystems, also in the interest of future generations. State law shall regulate the methods and means of safeguarding animals**

# Italy

## Italy's Environmental Code (2006):

### Art. 1-quater:

*Every human activity that is legally relevant under this Code must comply with the principle of sustainable development, in order to ensure that meeting the needs of present generations does not compromise the quality of life and opportunities of future generations.*

*Public administration activities must also aim to ensure the best possible implementation of the principle of sustainable development; therefore in the context of the comparative assessment of public and private interests involving discretion, the interests of environmental protection and cultural heritage must be given priority consideration.*

## What does the principle mean from a legal point of view?

- Sustainable development is a principle that constitutes an intergenerational duty, as it is aimed at fulfilling the interests of future generations.
- The recognition, in Article 9 of the Constitution, of an interest belonging to future generations enhances the perspective of duties and the responsibility of the Republic in its various forms
- The environment is conceived not as the object of a right (there is no “right” to a healthy environment), but as the object of a duty of protection incumbent upon the Republic.



## Art. 41:

*Private economic enterprise shall have the right to operate freely.*

*It cannot be carried out in conflict with social utility or in such a manner as may harm health, **the environment**, safety, liberty and human dignity.*

**The law shall determine appropriate programmes and checks to ensure that public and private economic enterprise activity be directed at and coordinated for social and environmental purposes.**



**INTERGENERATIONAL RESPONSIBILITY  
ATTENTION IS DEVOTED ALSO TO THE PRIVATE SECTOR**

## 2. Beyond the environmental dimension of the principle

From a monolithic to a holistic conception of sustainable development: UN Agenda 2030

The Sustainable Development Goals (2015)

The UN's 17 SDGs broadened the concept of sustainability to include poverty, gender equality, consumption, and institutional accountability.



## ➤ European Green Deal 2019:

EU's main strategy to achieve sustainable development, aiming to transform all sectors of European society, from industry to construction, from energy production to mobility, with the goal of making Europe the first climate-neutral continent by 2050.



### Main Policy Areas:

- Climate Change
- Agriculture
- Protection of the environment
- Industry and circular economy

# This broaden concept of sustainable development is confirmed by the ESG approach

Introduced by the United Nations in the report '*Who Cares Wins*' (2004)

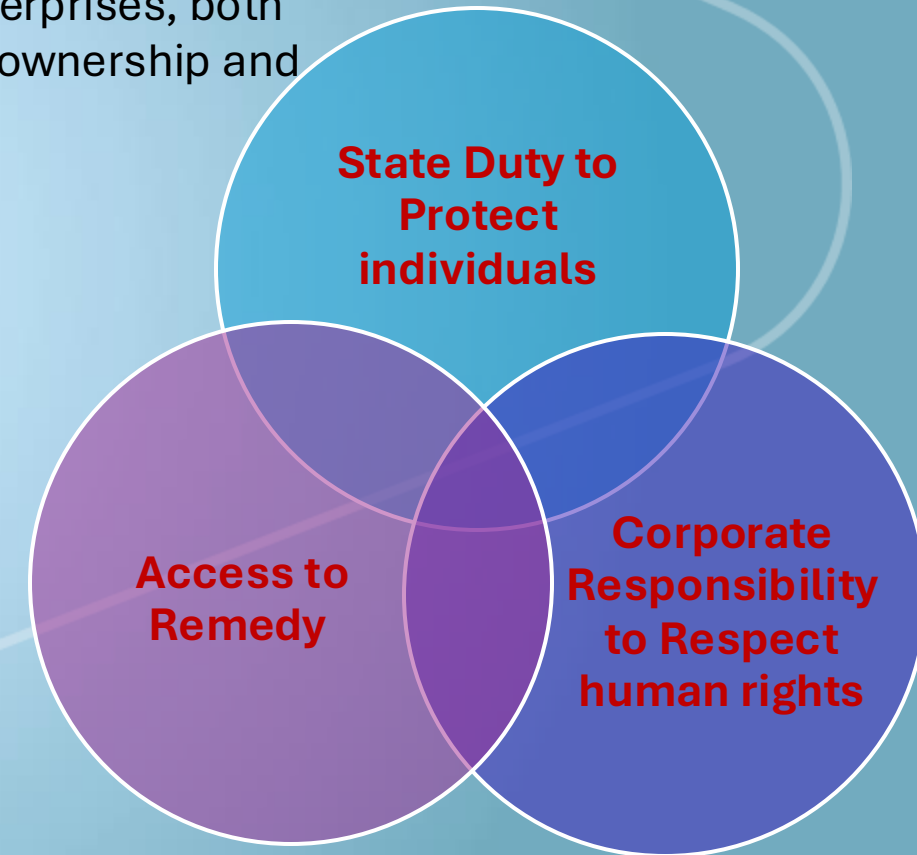
Encouraged integration of Environmental, Social, and Governance factors into business and investment strategies

- ESG translates sustainable development into measurable corporate standards, allowing companies to evaluate and demonstrate their contribution to sustainability.
- ESG also serves as a benchmark for **Green Procurement strategies**, promoting the idea that a company is sustainable only if its purchases follow sustainability principles.

## 2. UN Guiding Principles on Business and Human Rights (2011)

These Guiding Principles apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure.

- Soft law instrument
- global framework for aligning business conduct with respect for human rights.
- three fundamental pillars:





## The Green Deal emphasizes that private investment and corporate governance reforms are essential for environmental protection and sustainable growth:

*“The private sector will be key to financing the green transition. Long-term signals are needed to direct financial and capital flows to green investment and to avoid stranded assets. The Commission will present a renewed sustainable finance strategy in the third quarter of 2020 that will focus on a number of actions”*

Three actions:

- strengthen the foundations for sustainable investment
- integration of climate and environmental risks into the financial system
- **increase information to identify sustainable investments**

## ➤ Corporate Sustainability Reporting Directive (CSRD)

Directive (EU) 2022/2464:

- expands corporate transparency obligations
- **Requires standardized and verifiable ESG reporting in line with EU standards**
- The companies **shall include** in a specific section of the management report the information necessary to understand the impact of the company on sustainability matters, as well as the information necessary to understand how sustainability matters affect the company's performance, results, and position
- Implementation in Italy of Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022

## ➤ Corporate Sustainability Due Diligence Directive (CSDDD)

Directive (EU) 2024/1760:

- imposes **legal duties to identify, prevent, and mitigate** adverse human rights and environmental impacts across value chains

### 3. ESG and Public Administration

Public administrations **are not legally required** to carry out sustainability reporting

However, ESG represents a set of principles applicable to all complex organizations, including PA

- PA fosters sustainable transformation, guides businesses and society toward sustainability goals, and strengthens its role in measuring and reporting environmental and social performance

This voluntary commitment is reflected in the **sustainability report**

## The sustainability report

Several major Italian public entities and administrations have already begun a path of ESG reporting and planning:

- Italian Institute for Environmental Protection and Research
- Istituto Nazionale Previdenza Sociale (INPS)
- State University of Milan

## 4. ESG and green public procurement: an introduction

Public procurement can be:

➤ an instrument for achieving sustainability

Many of the **17 Sustainable Development Goals (SDGs)** of the **2030 Agenda** can also be pursued through **public procurement**, which is a key tool for implementing projects and delivering public services:

- **Goal 4 – *Quality Education***: build and upgrade education facilities that are inclusive and sensitive to the needs of children, persons with disabilities, and gender equality.
- **Goal 9 – *Industry, Innovation and Infrastructure***: develop sustainable and resilient infrastructure to support economic growth and ensure fair access for all.
- **Goal 11 – *Sustainable Cities and Communities***: guarantee access for everyone to safe, affordable, and sustainable transport systems.



## Public procurement can be:

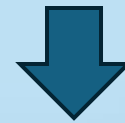
- A sustainable procurement itself (regardless of the objective it seeks to achieve)
  - Goal 12.7 of the 2030 Agenda calls on States to “promote sustainable public procurement practices in accordance with national policies and priorities”
  - The Green New Deal (2019), in relation to public procurement, identifies the European Union and its institutions as the actors that “should lead by example, ensuring that their procurement is based on ecological criteria” and that it is “climate-friendly.”
  - **Green Public Procurement (GPP)**

- **EC Communication**, Public procurement for a better environment” defines Green Public Procurement as “*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 that would otherwise be procured*”.
- The set of measures and instruments aimed at promoting the **integration** of environmental interests into public procurement regulations:
  - **guiding** the contracting activity of public administrations toward the purchase of goods and services that are less harmful to the environment;
  - **encouraging** businesses to develop environmental technologies.
- **The strategic procurement (SP)**: the evolution of the public procurement contract from an instrument for acquiring goods and services to **a tool of economic policy**

## Green Public Procurement in Italy

The new Public Procurement Code (Legislative Decree No. 36/2023) consolidates the link between public contracts and sustainable development, making environmental and social sustainability an integral part of the procurement process.

In particular, the Code confirms the **mandatory application of CAM** (Criteri Ambientali Minimi), strengthening their legal status as binding requirements in the drafting of technical specifications and contractual clauses



CAM is a binding legal tool  
turning public procurement into a driver of ecological transition in Italy

## **Article 57(2), Public Procurement Code: Environmental protection and efficient use of resources:**

*Contracting authorities and awarding entities shall include, in the tender documents, at least the technical specifications and the contractual clauses contained in the Minimum Environmental Criteria (CAM) adopted by decree of the Minister for the Environment and Energy Security*

# Can PA go beyond the minimum mandatory level?

Contracting authorities in Italy have broad discretion — **while respecting the principles of proportionality, non-discrimination, and relevance to the subject matter of the contract** — regarding:

- **Environmental criteria**, which may differ from or be additional to the *Minimum Environmental Criteria (CAM)*;
- **Award environmental criteria**, which, although not mandatory, must be taken into consideration by contracting authorities

**Implementation difficulties:** According to Osservatorio Appalti Verdi Legambiente and Fondazione Ecosistemi, the main difficulty encountered in the implementation of the CAMs is related to the drafting of the tenders (53% of the responses), followed by the lack of adequate training (41%)



## In conclusion

- **Sustainability** is no longer just an environmental objective, but a legal, economic, and social principle guiding both public and private action within an **intergenerational responsibility** framework.
- **Green Public Procurement** stands as a concrete tool to translate the principle of sustainable development into administrative practice — fostering innovation, ecological transition, and responsible business competitiveness.
- In this context, the **sustainability report** becomes a key element of transparency and strategic planning, allowing public entities to measure the impact of their policies and to report effectively to citizens on the results achieved.
- Only through an **integrated vision** — **aligning planning, control, and reporting** — and with **active stakeholder engagement**, can Public Administration become not only a promoter but also a tangible example of institutional sustainability