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EUROPEAN PUBLIC PROCUREMENT

Commentary on Directive 2014/24/EU



Edited by
Roberto Caranta
Albert Sanchez-Graells



Public Procurement In European Community Law

Marise Cremona



Public Procurement In European Community Law:

Public Procurement in European Community Law Friedl Weiss, 1993 Public procurement the area covered in this book introduces one of the most important commercial aspects of the new competitive climate prevailing in Community affairs The European Commission has expressed its wish to open up markets on a Community wide basis for specific areas with the possibility of further liberalization in other procurement markets This analysis and commentary upon the legislation will be essential reading for all those involved in public procurement activity Dr Weiss has published widely in areas of Community legislation EU Public Procurement Law Christopher Bovis, 2008-01-01 This book will serve as an essential resource for anyone interested in the legal regime of public procurement It offers a comprehensive and topical analysis of EU law and its interaction with national law and policies in an area of growing economic importance Ruth Nielsen Copenhagen Business School Denmark EU Public Procurement Law addresses one of the most important areas of European integration With a magnitude approaching 1 trillion euros in supplies works and services and representing almost 12 percent of the European Union's GDP public procurement regulation represents a key objective of the vision of the European Union in becoming the most competitive economy in the world by 2010 In this book Christopher Bovis offers a clear and lucid assessment of the new public procurement legal framework and its interplay with policy within the European Union and the member states The new regime is based on three principles simplification modernization and flexibility and the book considers the new directives which are intended to simplify and modernize a regulatory regime that aims to gradually establish a public market in the European Union The book exposes the instrumental role of the European Court of Justice in shaping many of the newly introduced concepts in public procurement regulation Finally the author provides for the most comprehensive taxonomy and codification of case law on public procurement This comprehensive overview of enforcement and compliance of public procurement at European and national levels will be of great interest to academic researchers and lawyers within the EU USA Canada and other continents It will also appeal to postgraduate students in law policy and management judges at the European Court of Justice and national courts and policy makers at European international and national levels *EU Public Procurement Law* Christopher Bovis, 2012 The Second Edition of EU Public Procurement Law provides a comprehensive view of the policies legislation and cases that define this area of law Written from a pan European perspective it will be a useful guide for students and practitioners alike As well as describing the public contracts utilities and remedies directives this work details the European cases that have shaped the law and the relationship between procurement law and other forms of regulation such as state aid Of particular interest to the practitioner there are specific sections on remedies evaluation criteria and different forms of procurement such as services concessions public private partnerships and public public partnerships _ Hazel Grant Partner Bristows London UK Acclaim for first edition This book will serve as an essential resource for anyone interested in the legal regime of public procurement It offers a comprehensive

and topical analysis of EU law and its interaction with national law and policies in an area of growing economic importance _ Ruth Nielsen Copenhagen Business School Denmark In this fully revised and updated edition Christopher Bovis provides a detailed critical concise and accessible overview of the public procurement legal framework and its interaction with policies within the European Union and the its Member States Public procurement represents an essential part of the Single Market project launched by European Institutions in 2011 Its regulation will insert competition and transparency in the market and be a safeguard to the attainment of fundamental principles of the Treaties This book demonstrates the impact of the relevant Directives on Member States through the development of the case law of the European Court of Justice and assesses the judicial review of public contracts at national level It positions public procurement at the centre of the legal and policy debate surrounding the delivery of public services and the advancement of competitiveness and industrial policy in the EU The book highlights the pivotal role of public procurement for the Europe 2020 Growth Strategy Demonstrating the concepts and principles of public procurement this comprehensive book will have a strong appeal to academic researchers lawyers judges practitioners and policymakers at the European international and national levels as well as students of law policy and management

European Community Law for the New Economy Lucas Bergkamp, 2003 The European Community EC has embarked on an ambitious legislative program for the new economy In *European Community Law for the New Economy* professor Lucas Bergkamp analyzes the EC s current and proposed new economy legislation The new economy according to Bergkamp is not only the internet the information society and biotechnology but also a different kind of old economy a different kind of corporate governance and a different kind of government Accordingly in addition to the EC e commerce data protection and biotechnology legislation this book discusses also the grand principles of EC policy making such as sustainable development and the precautionary principle the theory of corporate social responsibility and EC government reform With its wide ranging insightful and engaging analyses and devoid of obliquity *EC Law for the New Economy* is a unique publication This book must be read by everybody who wants to gain a deeper understanding of the effects of EC legislation the root causes of regulatory failures and possible solutions to these problems It is of interest to lawyers politicians policy makers government officials political scientists advanced students and autodidacts Lucas Bergkamp is a lawyer at the Brussels Bar and Professor of International Liability Law Erasmus University Rotterdam The Netherlands

Public-Private Partnerships in European Union Law and Member States Jugoslava Vojnovic, 2023-11-25 This book investigates public private partnerships with special reference to the law of the European Union and the Member States It deals in detail with what public private partnerships are whether and how they are regulated and whether the concept carries meaning outside the regulatory framework Based on detailed analysis the author offers conclusions on how public private partnerships should develop and be regulated in practice and provides a solid basis including a comprehensive review of the relevant literature for further research This book will be important to researchers and students in political law and

regulation as well as practitioners and policy makers Although the examples studied are from the European Union the conclusions will be applicable worldwide

EU Public Contract Law Roberto Caranta, Gunilla Edelstam, Martin Trybus, 2013-12-13 This book analyses many aspects of the present EU regulatory framework for public contracts especially public procurement taking the ongoing reform process into account First several chapters discuss the regime of the Public Sector Procurement Directive 2004/18/EC governing the procurement activities of the EU Member States the coverage of the Directive qualification and technical specifications procurement procedures and award criteria A specific chapter describes the EU principles applicable to contracts not covered or partially covered by the Directive which have been the subject of relevant developments in the case law of the European Court of Justice Another chapter covers sustainable procurement Second three chapters are devoted to special procurement regimes namely public private partnerships defence and utilities Third the review and remedies regime for public procurement is covered in two chapters Fourth one chapter goes beyond public procurement and looks at the effect of EU law on the contract management of public contracts after their conclusion Fifth three chapters go beyond the regulation of the Member States and look at the EU law regime applicable to contracts of the EU institutions Sixth and finally a concluding chapter provides a critique of the EU legal framework by an author from outside the EU

Public Procurement in the European Union C. Bovis, 2005-08-02 This book provides invaluable

insights to one of the most difficult areas of European integration Public procurement represents an instrument of policy choice for governments and its regulation interacts with a variety of policies including the promotion of competition employment social policy and environmental protection The author vividly elaborates on the in built flexibility of the newly enacted rules and provides a codified analysis of their interpretation by the EU judiciary Finally considerable debate is dedicated to future dimensions of public procurement regulation in the form of public private partnerships and concessions

Collected Courses of the Academy of European Law: 1997 European Community Law Academy of European Law, 2001-05-23 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute's current programmes into a larger field of interest It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe In addition to General Courses shorter courses are held on subjects of special academic and practical interest in both fields Finally special guest lectures on topical issues are given by policy makers judges and persons who have held or currently hold the highest position in these fields The courses are published in the language in which they were delivered English and French

The Liberalisation of Public Procurement and its Effects on the Common Market Christopher Bovis, 2019-01-04 First published in 1998 Public Procurement in the European Community has been considered as the most important non tariff barrier for the completion of the common market and its liberalisation reflects the attempts of law and policy makers to enhance competitiveness in the public sector and achieve uniform patterns of industrial efficiency The opening up of procurement

stresses the fact that the Member States must embark upon a process of changing their public sector management ethos and adopt more market orientated parameters value for money efficiency improved risk management market testing outsourcing private finance savings in the delivery of public services alongside the principles of transparency and public accountability The book is addressed to academics and researchers in the fields of law public policy and government studies legal practitioners policy makers government officials as well as industry executives It provides a multi disciplinary analysis of public procurement law and policy and assesses its impact on the European integration process It investigates the implications of the opening up of the European public markets on other legal and economic systems in the world and analyses the regulation of public purchasing as part of the emerging Economic Law of the European Union

International Handbook of Public Procurement Khi V. Thai, 2017-09-25 Since the 1990s government at all levels is under increasing pressure to do more with less However despite the U S government spending about 15 to 20 percent of its GDP on contracts for goods and services there is a paucity of reference books for public procurement officials and very few textbooks for courses on the subject Filling this void the International Handbook of Public Procurement provides the knowledge necessary to understand how procurement works and how to improve the cost effectiveness of procurement systems Taking a multidisciplinary approach the book focuses on the managerial economic political and legal aspects of this topic It begins with a conceptual framework and highlights various reforms occurring in certain countries By examining these improvements readers are able to apply this knowledge to their own strategies The next section presents selected cases that illustrate the public procurement process examining systems in various nations including Germany China South Africa Cambodia Uganda and Estonia The book also discusses the rise of electronic procurement systems E procurement and reviews the benefits of these efficient systems Other topics presented in this comprehensive volume include practical discussions on contract negotiations bidding price strategies and cost analysis and an insightful chapter on the market s response to contract award announcements A virtual encyclopedia from numerous international experts this book was assembled by Khi V Thai Professor at Florida Atlantic University and Editor of the Journal of Public Procurement Dr Thai has provided technical assistance in the area of public procurement to governments across the world Empowering those on all sides of the issue this volume dispenses advice valuable to government officials and contractors as well as providing a comprehensive text for public administration students

European Union Law for the Twenty-First Century: Volume 2 Τάκης Τριδίμας, Paolisa Nebbia, 2004-10 This book assesses the state of EU law fifty years after the Communities were established contributing to the debate on the European Constitution *Implementing the European Community Single Market*, 1994 *Implementing the European Community Single Market* United States International Trade Commission, 1994

European Union Law for the Twenty-First Century: Volume 2 Takis Tridimas, Paolisa Nebbia, 2004-12-06 This book to be published in two volumes is based on the contributions made to the W G Hart Workshop 2003 It contains more than

forty contributions by leading experts seeking to assess the state of development of EU law some fifty years after the establishment of the Communities and contribute to the current debate on the European Constitution The second volume focuses on challenges in the field of the internal market and external relations looking at diverse areas of European Law including free movement competition law and merger control public procurement consumer law enlargement WTO third country nationals sex equality etc Authors include Tony Arnall George Bermann Marise Cremona Paul Craig Eileen Denza Piet Eeckhout Koen Lenaerts Steve Peers Wulf Henning Roth Francis Snyder Erika Szyszczak Takis Tridimas and Stephen Weatherill

The Law of the European Union and the European Communities Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union including the institutional framework the Internal Market Economic and Monetary Union and external policy and action Completely revised and updated with many newly written chapters this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union EU Written by a new team of experts in their respective areas of European law its coverage incorporates and embraces many current controversial and emerging issues and provides detailed attention to historical development and legislative history of EU law Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening including the following powers and functions of the EU law institutions and relationship among them the principles of equality loyalty subsidiarity and proportionality free movement of persons goods services and capital mechanisms of constitutional change treaty revisions accession treaties withdrawal agreements budgetary principles and procedures State aid rules effect of Union law in national legal systems coexistence of EU European Convention of Human Rights ECHR and national fundamental rights law migration and asylum law liability of Member States for damage suffered by individuals competition law cartels abuse of dominant position merger control social policy equal pay and equal treatment environmental policy consumer protection public health cultural policy education and tourism nature of EU citizenship its acquisition and loss and law and policy of the EU's external relations The fifth edition embraces many new ongoing and emerging European legal issues As in the previous editions the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle

Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2015-06-25 Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not

closely examined This work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market This process of convergence between competition and public procurement law is particularly apparent in the 2014 Directives on public procurement which consolidate the principle of competition in terms very close to those advanced by the author in the first edition This second edition builds upon this approach and continues to ask how competition law principles inform and condition public procurement rules and whether the latter in their revised form are adequate to ensure that competition is not distorted The second edition also deepens the analysis of the market behaviour of the public buyer from a competition perspective Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of these rules against a standard of the proper functioning of undistorted competition in the market for public procurement It also traces the increasing relevance of competition considerations in the case law of the Court of Justice of the European Union and sets out criteria and recommendations to continue influencing the development of EU Economic Law

Market Integration and Public Services in the European Union Marise Cremona, 2011-03-03 In a period when the nature and scope of the European internal market is hotly contested this collection offers a topical analysis of the most pressing issues relating to market integration and public services in the EU As the debate continues over the balance between state control and market freedom questions are also raised about the relationship between EU regulation and national policy choices and the joint responsibility of the Union and the Member States Outlining the most important current issues relating to market integration and public services in the EU this book also addresses the underlying systemic questions of the relation between public services and markets and services and the consumer Chapters also examine the application of state aids and procurement law to public services The final two chapters focus on two public service sectors where the mix of Treaty rules case law and legislation has operated in rather different ways public service media and health services

The Outer Limits of European Union Law Catherine Barnard, Okeoghene Odudu, 2009-03-05 A commonly expressed view is that the citizens and the Member States are destined to be overcome by the European Union There is a sense that the Union of today is not what was intended to be created or acceded to by the Member States or its citizens The Outer Limits of European Union Law brings together a diverse group of legal scholars to consider aspects of EU substantive constitutional and procedural law in a manner highlighting the many senses in which the European Union is or can be limited and so demonstrating that the fear of being overcome is largely a false fear By exploring the mechanisms and devices used to limit the European Union the contributors also reveal not only the strengths of the various limits but also and more crucially the weakness of the limits thereby demonstrating that the prospect of being overcome may be a genuine risk to be guarded against By considering general themes eg legitimacy and core subject areas eg policing free movement of goods remedies the book reveals the various techniques used by the Court of Justice Community institutions and Member States to define and

modify the outer limits of the European Union and European Union Law **State Aid Law of the European Union** Herwig C. H. Hofmann, Claire Micheau, 2016-08-18 Rules controlling State aid and subsidies on the EU and the WTO level can have a decisive influence on both regulatory and distributive decision making This field of law has grown exponentially in importance and complexity over the past decades Rules on State aid and subsidies control are one of the key instruments to ensure that public spending and regulatory measures do not lead to discriminatory distortions of competition As a consequence hardly any part of national law is free from review under criteria of State aid and subsidy regulation In turn State aid and subsidies law is linked to economic constitutional administrative law of the EU and the Member States as well as to public international law This book brings together leading experts from academia the judiciary civil servants from the European Commission and practising lawyers to provide expert opinion and commentary on the diverse dimensions of the complex and vital area of law Critically analysing and explaining developments and current approaches in State aid law and subsidies the chapters take into account not only the legal dimensions but also the economic and political implications They address the EU law applicable to State aid in the aftermath of the recent State Modernisation reform and coverage includes an in depth analysis of the notion of State aid as interpreted by the Court s cases law and the Commission s practice the rules on compatibility of State aid with the internal market the rules governing the procedure before the Commission the litigation before the Court of Justice of the European Union and analysis of the other trade defence instruments including WTO subsidy law and EU anti subsidy law **European Union Law of State Aid** Kelyn Bacon, 2017 This book provides a comprehensive practitioner guide to the EU law of State aid covering all relevant legislation case law and the dominant themes shaping EU State aid policy It discusses the concept of State aid and its development in the European Union as well as practical aspects such as procedures for notification to the European Commission and enforcement in the European Court and national courts It offers extensive coverage of specific sectors including transport and shipbuilding media and communications energy and environmental protection culture and heritage and agriculture The third edition is fully updated to cover the extensive legislative changes in this area including the new General Block Exemption Regulation and De Minimis Regulation horizontal aid guidelines and sectoral guidelines for aviation cinemas agriculture and fisheries as well as State aid cases in the national courts particularly the UK and recent European Court jurisprudence Accessible to competition lawyers and non specialists the book s clarity and concision make it an invaluable reference to this area of law

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