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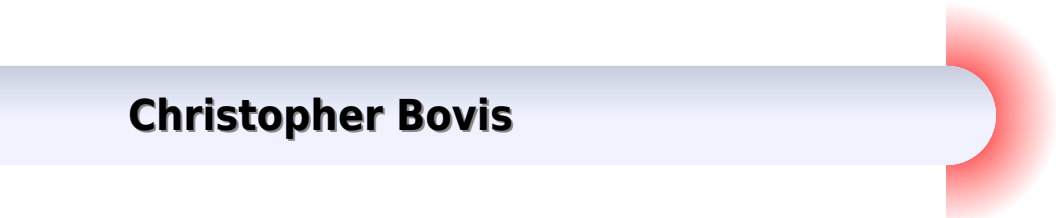
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Public Procurement Law Of The Ec

Christopher Bovis



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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 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 *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 chapter Fourth one chapters 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

Reformation or Deformation of the EU Public Procurement Rules Grith Skovgaard Ølykke, Albert Sanchez-Graells, 2016-11-25 Using an innovative law and political science methodology this timely book carries out a critical assessment of the reform of the EU public procurement rules It provides a rich account of the policy directions and the spaces for national regulatory decisions in the transposition of the 2014 Public Procurement Package as well as areas of uncertainty and indications on how to interpret the rules in order to make them operational in practice Most EU law research focuses on the content of rules and the impact of case law on their interpretation and application It rarely discusses how the CJEU s case law influences the creation of new rules or the way EU law makers enact them issues which conversely are a staple for political scientists By blending both approaches this book finds that political science provides a useful framework to describe the law making process and shows that the influence of the CJEU was significant Though the specific case studies identify many reforms the ultimate assessment is that EU public procurement law was deformed Offering a clear contribution to the emerging scholarship on flexible EU law making this book s novel methodology will appeal to scholars and students of both law and political science Law and policy makers as well as legal practitioners will also find its practical approach compelling

Public Procurement and the EU Competition Rules Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law 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 new 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 In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

European Public Procurement Law Constant de Koninck, Peter Flamey, 2009-01-01 The European directives on public procurement do not contain any specific provisions ensuring their effective application These provisions can be found in the Public Sector Remedies Directive 89 665 EEC and the Utilities Remedies Directive 92 13 EEC as these directives have recently been amended by Directive 2007 66 EC These measures provide means of redress for tenderers who have been prejudiced by a breach of the EU rules on public procurement Following the highly user friendly

approach of its Part I predecessor and which cited and analyzed the Court of Justice and its case law concerning the substantive EU procurement rules laid down in the Public Sector Directive and the Utilities Directives and this book combines and links the full texts of the procurement remedies directives with 31 pertinent judgements issued by the Court of Justice of the European Communities In one easy to use volume this book provides full texts of the the Public Sector Remedies Directive and the Utilities Remedies Directive with the articles of these directives linked to the relevant Court of Justice case law in depth analysis of 31 judgements rendered by the Court of Justice in the period 1993 and 2008 in connection with subject matter treated by the articles of the two directives expert discussion of major innovations introduced by Amending Directive 2007/66 EC with analysis of its ratio legis and full text essential excerpts from the chronologically ordered judgments with each excerpt preceded by an overview of the subject matter and points of law treated in the judgment pertinent passages of the opinions of the Advocate General and an exhaustive subject index By thus combining the theory and reality of European procurement law the book not only saves readers time and effort but also provides profound and practical insight into the Remedies Directives and the important rights and obligations which they create The pursuit of remedies for breaches of the EU procurement rules is a topic of high interest to public authorities and their suppliers contractors and service providers across Europe This book will be of great value to practitioners and to officials charged with ensuring that decisions taken by the public contracting authorities and entities may be reviewed effectively and rapidly thus building confidence among businesses and the public that public procurement procedures are fair

Research Handbook on EU Public Procurement Law Christopher Bovis, 2016-07-27 Public procurement law is a necessary component of the single market because it attempts to regulate the public markets of Member States and represents a key priority for the European Union This Research Handbook makes a major contribution to the understanding of the current EU public procurement regime its interface with the law of the internal market and the pivotal role that this will play in the delivery of the European 2020 Growth Strategy

European Public Procurement Law Constant de Koninck, 2008 This is the ultimate legal resource on public procurement in the European Union It combines and links the full texts of the procurement directives in force today i.e Directive 2004/17 EC the new Utilities Directive and Directive 2004/18 EC the new Public Sector Directive with more than eighty judgments rendered by the European Court of Justice during the period 1982-2007 regarding public procurement In one easy to use volume it provides 1 the texts of the Public Sector Directive and the Utilities Directive with the articles of these directives linked to the relevant Court of Justice case law 2 in depth analysis of 84 judgements rendered by the Court of Justice in connection with subject matter treated by the articles of the two directives 3 the essential excerpts from the chronologically ordered judgments with each excerpt preceded by an overview of the subject matter and points of law treated in the judgment 4 pertinent passages of opinions of the Advocate General 5 texts of supplementary legislation including the relevant articles of the EC Treaty and interpretative communications and explanatory notes of the

European Commission and 6 an exhaustive subject index By bringing the reader into direct contact with the relevant jurisprudence of the European Court of Justice which has been instrumental in interpreting the public procurement legal framework the book clearly manifests the reality of public procurement in the European Union It will be of great value to practitioners and officials charged with ensuring that contracts are awarded in an open fair and transparent manner that allows domestic and non domestic firms to compete for business on an equal basis and that the high quality and fair cost of purchases made by awarding authorities are maintained *Cost and EU Public Procurement Law* Marta Andhov, Roberto Caranta, Anja Wiesbrock, 2019-09-19 Public institutions companies and governments in the EU and around the world are increasingly engaging in sustainable public procurement a broad concept that must consider the three pillars of economic equality social welfare and public health and environmental responsibility when designing public tenders and finalizing government contracts This book contributes to the development of life cycle criteria tools and methodologies for public procurement in the EU It collects both sector crossing contributions analysing the most relevant theoretical and legal aspects including both EU law and contract theory and sector specific contributions relating to some of the most important sustainable goods and services markets The book starts with a chapter that discusses the different approaches to including sustainability considerations in buying decisions by both private and public purchasers and then goes on to examine the EU law on LCC and how it is implemented in different Member States These chapters address the challenges in balancing economic and sustainability objectives under EU internal market law One chapter develops the analysis with specific reference to public private partnership Another chapter elaborates how multi stakeholders cooperation is necessary to develop LCC based on a case study of a lighting services procurement Three sector specific studies relating to social housing textile and clothing and IT close the book With contributors from a range of backgrounds including law business management engineering and policy development this interdisciplinary book provides the first comprehensive study on LCC within the framework of EU public procurement law

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