

EU PUBLIC PROCUREMENT LAW: AN INTRODUCTION



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The EU Asia Inter University Network for Teaching and Research in Public Procurement Regulation was led by University of Nottingham (Project leader: Professor Sue Arrowsmith) and the other consortium members are Copenhagen Business School, the University of Copenhagen, the Central University of Finance and Economics (Beijing), Xinjiang University, and the University of Malaya.

Public Procurement In European Community Law

Τάκης Τριδίμας, Paolisa Nebbia



Public Procurement In European Community Law:

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

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 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

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 **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

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.

European Union Law for the Twenty-First Century: Volume 2 Τάκης Τριδίδας,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.

Discretion in EU Public Procurement Law Sanja Bogojevic,Xavier Groussot,Jörgen Hettne,2019-05-30 The EU public procurement regime has recently undergone an overhaul and now allows Member States and their contracting authorities to pursue strategic goals via public procurement including environmental and social objectives. The extent to which such interests may be accommodated in the procurement process is ultimately determined by the broader legal context in which the EU public procurement regime exists, which raises pressing questions regarding the scope and limits of Member States' discretion. This volume scrutinises these new legal acts, particularly Directive 2014/24/EU, focusing on discretion and engaging with questions central to the public procurement regime against the EU legal backdrop, including internal market law and environment law as well as law beyond the EU.

State and Market in European Union Law Wolf Sauter,Harm Schepel,2009-04-16 An examination of the legal framework of the EU internal market as established in the case law of the European Court of Justice, discussing in particular EC competition law, the free movement of goods, services, persons and capital, and the evolution of the interpretation of the provisions. The State has been retreating from direct intervention in economic life as more goods and services, the provision of which was once thought to be a public responsibility, are delivered through market mechanisms. Given the need for consistent application of EC law in the internal market, a common core conception of public authority, shielded from the discipline of EC competition law, is needed. The resulting realignment of public and private functions and responsibilities is not a linear and coherent process, especially in light of the changing nature of the European legal integration project and the progressive incorporation of non-economic values in the Treaties.

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

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 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

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

European Union Law and Defence Integration Martin Trybus, 2005-10-05 This monograph examines the legal dimension of European defence integration from the Second World War to the Treaty Establishing a Constitution for Europe It covers the evolution of European defence and security law in its legal historical and political context The notion of defence law describes the entire field of rules created to regulate the defence of a nation or alliance The analysis leads from the earliest mutual defence treaties to the failure of the European Defence Community and the eventual separation of defence from the mainstream of

European integration in the 1950s further to the re vitalisation of a European security policy in the Treaties of Maastricht Amsterdam and Nice In the context of this evolutionary process the book examines the function of Community Law as an instrument of European defence integration Community law affects the economic and social aspects of the defence within the limits of the security exemptions of the EC Treaty It has an impact on the composition of the armed forces the procurement of armaments or the regulation of the defence industries The book concludes with an analysis of the Common Security and Defence Policy of the Constitutional Treaty agreed by the European Council in 2004 The discussion shows that European defence integration is characterised by fragmentation in an area where coherence is particularly important First defence and security are addressed in several organisations the EU the Western European Union NATO the Organisation for Security and Cooperation in Europe and the Organisation for Joint Armaments Cooperation Second defence and security are addressed in both the supranational Community Pillar and the intergovernmental Second Pillar of the Treaty on European Union The new Constitutional Treaty aims to overcome the three Pillar structure of the Union Nevertheless it leaves the intergovernmental character of the security and defence policy intact and introduces flexible frameworks for its mutual defence crisis management and armaments components However the Union needs a coherent defence policy to ensure her security and to speak with one voice on the international scene

Public Procurement: A Harmonization of the National Judicial Review Of The Application of European Community Law Dorthe Dingel, 1999-05-21 Public Procurement analyzes the extent to which European Community law harmonizes the national judicial review of the application of Community law in the field of public procurement Community law is regarded here as comprising the Government Procurement Agreement the GPA as concluded within the framework of the World Trade Organization The national judicial review is harmonized through principles of Community law in particular those of direct effect supremacy Community conform interpretation of national law State liability Member States institutional and procedural autonomy non discrimination and effectiveness through Directives 89 665 EEC and 92 13 EEC and through the GPA

Public Procurement and Labour Rights Maria Anna Corvaglia, 2017-09-21 This book investigates patterns of fragmentation and coherence in the international regulatory architecture of public procurement In the context of the major international instruments of procurement regulation the book studies the achievement of social and labour policies the most controversial and problematic instrumental uses of public procurement practices This work offers an innovative comparative approach discussing the ways in which the different international instruments namely the EU Procurement Directives the WTO Agreement on Government Procurement the UNCITRAL Model Law and the World Bank's Procurement Framework are able to implement labour and social purposes and at the same time ensure a regulatory balance with the principles of efficiency and non discrimination Scholarly rigorous and timely this will be important reading for international trade lawyers and procurement practitioners

Implementing the European Community Single Market United States International Trade Commission, 1994

Delve into the emotional tapestry woven by Emotional Journey with in Dive into the Emotion of **Public Procurement In European Community Law** . This ebook, available for download in a PDF format (Download in PDF: *), is more than just words on a page; it is a journey of connection and profound emotion. Immerse yourself in narratives that tug at your heartstrings. Download now to experience the pulse of each page and let your emotions run wild.

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