

## Public Procurement In The Eu A Practitioners Guide

This book contains a collection of economic and legal essays written by academics and practitioners who contributed to the elective Master's course "State Aid and Public Procurement in the European Union" at Maastricht University, as well as two conferences on State aid and public procurement organized in Maastricht in 2013 and 2014. The course, the conferences, and this book aim to provide stakeholders - students, academics, practitioners, civil servants, and consumers - with a better knowledge of the EU rules on public procurement and State aid. By treating these two legal fields in one volume, the book also intends to draw attention to the largely unexplored links and interfaces between public procurement and State aid rules, which both aim to complete the internal market and to prevent the distortion of competition. Both fields also share common concepts, and, furthermore, observance of public procurement rules may limit the risk of individual transactions being qualified as State aid (as the Altmark case law and related Commission packages illustrate). [In 2011, the European Commission's Education, Audiovisual and Culture Executive Agency recognized the course "State Aid and Public Procurement in the European Union" as a Jean Monnet European Module (Lifelong Learning Program).] (Series: Ius Commune Europaeum - Vol. 131) [Subject: EU Law, Public Procurement Law, State Aid Law]

The first part of the book offers a unique reflection on enduring themes in public procurement law such as the shaping of the scope of this regulatory regime, the development of tighter criteria for the exclusion of candidates and tenderers, the conduct of qualitative selection, the consolidation of the court's previous approach to technical specifications, new developments

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in tender evaluation, the inclusion of contract performance clauses with a social orientation, and, last but not least, the development of interpretive guidance concerning several aspects of the procurement remedies regime. The book shows that the period 2015–2017 has been an interesting and rather intense period for the development of EU public procurement law, where the CJEU has not only consolidated some parts of its long-standing procurement case law but also introduced significant innovations that can create future challenges for the consistency of this regulatory regime. The first part of the book concludes with some thoughts on some of the salient aspects of this recent episode of silent reform of EU public procurement law through CJEU case law. The second part of the book contains the essential excerpts of forty-one chronologically ordered judgments issued by the CJEU in the period 2015–2017, which have been selected because they either raise new issues or important matters of public procurement law. Each of the selected judgments is followed by an exhaustive and critical in-depth analysis, highlighting and providing insight into its legal and practical issues and consequences. An exhaustive subject-index offers the reader quick and easy access to the case law treated in this book. This unique book, a ‘must-have’ reference work for judges and courts of all EU Member States and candidate countries and academics and legal professionals who are active in the field of procurement law, will also be valuable for law libraries and law schools across the world and for law students who focus their research and studies on EU law.

"European public procurement is of interest to millions of citizens and companies. This practical guide aims at facilitating understanding of and participation in this procurement system."--Ed.

Public Procurement in the EUA Practitioner's Guide Oxford University Press, USA

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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. 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.

Smart procurement aims to leverage public buying power in pursuit of social, environmental and innovation goals. Socially-orientated smart procurement has been a controversial issue under EU law. The extent to which the Court of Justice (ECJ) has supported or rather constrained its development has been intensely debated by academics and practitioners alike. After the slow development of a seemingly permissive approach, the ECJ case law reached an

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apparent turning point a decade ago in the often criticised judgments in Ruffert and Laval, which left a number of open questions. The more recent judgments in Bundesdruckerei and RegioPost have furthered the ECJ case law on socially orientated smart procurement and aimed to clarify the limits within which Member States can use it to enforce labour standards. This case law opens up additional possibilities, but it also creates legal uncertainty concerning the interaction of the EU rules on the posting of workers, public procurement and fundamental internal market freedoms. These developments have been magnified by the reform of the EU public procurement rules in 2014. This book assesses the limits that the revised EU rules and the more recent ECJ case law impose on socially-orientated smart procurement and, more generally, critically reflects on potential future developments in this area of intersection of several strands of EU economic law.

This book gathers in one place the legislative history of Directives 89/665/EEC and 92/13/EEC as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts. 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.

In view of the fact that public infrastructure, health and other services are being more consistently delivered through Public-Private Partnerships (PPPs) and concessions; this timely book explores these complex contractual arrangements involving cooperation between public and private sectors. It considers that PPPs have become increasingly prevalent following the financial crisis and examines the applicable legal regimes that are still, to a large extent, unclear to many. 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.

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.

This detailed Commentary provides an authoritative interpretation of each provision in the main EU Directive on public procurement - Directive 2014/24/EU, and is rich in its critical analysis of the provisions of the 2014 Directive and the case-law. The Commentary also highlights the application problems and interpretative issues being raised in EU Member States, which in due time will make their way up to the CJEU or even require further legislative interventions. Key features include: - Updated to include the most significant CJEU case law as of end-2020 - Analysis that is informed by the practical issues arising across the EU Member States, as well as in the UK - Written by a diverse pool of specialists in each of the aspects of the Directive upon which they comment, with the Commentary underpinned by their collective knowledge of public procurement law in the old 28 EU Member States. Providing a practice-oriented analysis that allows for a problem solving approach, European Public Procurement will be particularly relevant to practising lawyers including within the civil services in all EU jurisdictions and the UK. The depth of analysis offered in the Commentary will also be of great benefit to academics and postgraduate students with an interest

in public procurement and, more generally, public law, administrative law and public administration.

SIGMA Brief 1 provides a description of the legal framework of the EU public procurement system: two "procedural" Directives for the public sector (2004/18/EC) and for the utilities sector (2004/17/EC), and two other "remedies" Directives (89/66/EEC, 92/13/EEC, both amended by Directive 2007/66/EC). Additionally, Directive 2009/81/EC applies to the procurement of military supplies, works and services. In order to understand the basics of public procurement in the European Union, it is necessary to look not only at the Directives themselves but also at the general principles contained in the Treaty on the Functioning of the European Union. The Treaty principles guide the interpretation of the Directives. It is also important to understand the role of the various European institutions (European Commission, Court of Justice).

Now also available as eBook Directive 2004/17/EC governs the rules, provisions, and procedures entailed in public procurement contracts awarded by EU Member States in the water, energy, transport, and postal services sectors. In the course of the eight-year (1996and–2004) gestation period of an EC public procurement policy that would meet the challenges of a globalised economy, it became clear that these utilities required a legislative framework distinct from the general

coordination of award procedures that finally emerged as Directive 2004/18/EC. This book on the and 'Utilities and' Directive 2004/17/EC is a companion to an earlier volume on the legislative history of Directive 2004/18/EC. This new volume gathers in one place all the relevant documents that led to the adoption of the Utilities Directive. In great detail this legislative history reveals such crucial elements and outcomes as the following: ports and airports as transport hubs of solid fuels; treatment of relevant WTO Agreements; confidentiality and security; works and service concessions; resale and leasing provisions; competition; communication of technical specifications; tax, environmental, and labour obligations; time limits; and design contests. Introducing the book are excerpts that give a general picture of the reasons that led to the intention to replace the earlier procurement directive for the utilities sectors (93/38/EEC). Then follow excerpts that give an insight into the drafting of the recitals in the Preamble, the articles, and the annexes. The book concludes with a chronological overview of the legislative documents associated with Directive 2004/17/EC and a Keyword Index. Along with its companion volume on Directive 2004/18/EC, this important book will be a powerful resource for lawyers and policymakers engaged in the practice and development of European procurement law. It will also provide both practitioners and researchers working in the area of European procurement law

with an incomparable desktop reference on the Utilities Directive.

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.

This is a detailed and practical guide to the January 2006 EC Procurement Directives in the public and utilities sectors, which set out the minimum standards to be provided by the EU member states in guaranteeing a level playing field for regulating public procurement. It clearly explains the legal provisions that must be complied with in order to compete successfully for public contracts throughout the European Community, including those involving the Community institutions themselves.

The book surveys the enforcement of EU law through the lens of damages claims for violations of EU public procurement rules. The first part clarifies the requirements on damages claims under both public procurement and general EU law, notably the public procurement remedies directives and doctrines such as procedural autonomy, effective judicial protection and Member State liability. The

second part focuses on comparative law, covering England, France, Germany and the Netherlands, and provides an overview of national regulation and case law of damages litigation in the area of public procurement. A third part discusses the constitutive and quantification criteria of the damages remedy from a comparative and EU law perspective. It explores the lost chance, which functionally emerges as a compromise capable of mitigating the typically problematic nature of causation and uncertainty in public procurement constellations. The book concludes with a proposal for legislative intervention regarding damages in public procurement.

Alexander Rhode investigates performance-oriented measures of Contracting Authorities in public tenders conducted within the EU. He finds that Contracting Authorities can improve their performance and attract more suppliers by publishing (as precise as possible) starting prices in the beginning of a tender. First, he reports that compared with private-sector negotiations, starting prices do not create entry barriers in public procurement. Second, he finds that increased numerical precision of starting prices is linearly correlated with better performance and a higher number of bids. In public procurement, suppliers tend to attribute increased credibility to precise starting prices which reduces their (perceived) entry risks.

At a time when public administrations are increasingly subjected to transparency requirements this book provides timely analysis on the role of transparency in the context of public procurement with the EU. It provides a blend of theoretical analysis and practical insights into the operation of freedom of information requirements associated with the expenditure of public funds through purchasing, contracting out and commissioning activities. The first part of the book critically assesses a number of key issues surrounding transparency in public procurement including: corruption prevention, competition, commercial issues and access to remedies. The second part of the book features contributions from leading experts across ten European jurisdictions, providing a comparative view of transparency requirements and freedom of information rules in the context of public procurement. Overall the book provides a conceptual framework to understand the relationship between business secrets, freedom of information rules and the regulation of public procurement across Europe. This book will be of interest to scholars and students researching across public, administrative and comparative law. Practising lawyers who are involved with cross-border procurement tenders will also find this book to be a useful resource as it provides a comprehensive overview of regulatory standards at a national and European level.

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.

Examines the legal rules on competitive dialogue, both at EU level and in the legal systems of EU Member States.

A transparent public procurement law in Europe plays a decisive role for the predictability and acceptance of market rules and thus for Europe as a business location. The work comments article by article on the European directives and regulations of all important areas of procurement from a European point of view. The Brussels commentary thus provides argumentation security in all major

procurement procedures for the interpretation of national regulatory bodies. The book is up to date and takes into account only recently adopted new guidelines. This Publication is the second in the European Procurement Law Series. European institutions have developed common principles and rules which are applicable all over the EU. While in some cases rules and practice from some Member States may have influenced the developments of public procurement law at EU level, European provisions will more often be divergent from the rules previously in force in most Member States. Once they penetrate the domestic legal orders, the sources of European law interact with national law. The Series will explore how and to what extent the national laws of a number of Member States have tried to accommodate European rules and principles. The Main Objective of public procurement regulation is to provide the government with the supplies, services, and works it needs to operate. This primary objective is connected to the principle of value for money and for the European Union with the aim to ensure the functioning of the internal market in public procurement. However, other objectives related to environmental and social concerns have always played a role as well. These range from the award of contracts to workshops for the disabled to strict environmental specifications. These 'secondary' or 'horizontal' objectives, also referred to as 'green procurement',

'sustainable procurement' or 'social procurement', are the subject of this book. The analysis covers the European Union internal market law of green and social procurement with emphasis on the interpretation, implementation and practice in a range of Member States of the EU and includes a comparative study.

On 9-10 February 2012, the law department at Copenhagen Business School and the Danish Competition and Consumer Authority organised an international conference on the modernisation of the EU procurement rules, "Public Procurement Days 2012 - Modernisation, Innovation and Growth." A number of topics of relevance to the modernisation of the procurement rules were addressed, and many interesting debates took place. This book contains contributions based on some of the presentations given at the conference. The purpose of this book is to contribute to the ongoing debate on the modernisation of the procurement rules by elaborating on the topics discussed at the conference, and we hope the book can be an inspiration for this debate.

Appropriate laws and regulations are an essential tool to direct the action of procurers toward the public good and avoid corruption and misallocation of resources. Common laws and regulations across regions, nations and continents potentially allow for the further opening of markets and ventures to newcomers and new ideas to satisfy public demand. This book collects original contributions, from both economists and lawyers, related to the new European Union Directives just approved in 2014 by the EU Parliament. Uniquely, this book combines juridical and technical expertise so as to find a common terrain and language to debate the specific issues that a Public Administration in need of advancing and modernizing has to face.

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This format features, for each section, an introductory exchange between two experts of different disciplines, made of a series of sequential interactions between an economist and a lawyer that write and follow-up on one another. This is to enrich the liveliness of the debate and improve the mutual understanding between the two professions. There are four sections characterized in this book: supporting social considerations via public procurement; green public procurement; innovation through innovative partnerships; and Lots - the Economic and Legal Challenges of Centralized Procurement. This book will be of interest to policy-makers, practitioners working in the field of EU public procurement as well as academics.

Innovation in public procurement is essential for sustainable and inclusive growth in an increasingly globalized economy. To achieve that potential, both the promises and the perils of innovation must be investigated, including the risks and opportunities of joint procurement across borders in the European Union and the United States. This in-depth research investigates innovation in public procurement from three different perspectives. First, leading academics and practitioners assess the purchase of innovation, with a particular focus on urban public contracting in smart cities involving meta-infrastructures, public-private partnership arrangements and smart contracts. A second line of inquiry looks for ways to encourage innovative suppliers. Here, the collected authors draw on emerging lessons from the US and Europe, to explore both the costs and the benefits of spurring innovation through procurement. A third perspective looks to various innovations in the procurement process itself, with a focus on the effects of joint and cross-border procurement in the EU and US landscapes. The chapters review new technologies and platforms, the increasingly automated means of selecting suppliers, and the related efficiencies that “big data” can bring to public

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procurement. Expanding on research in the editors' prior volume, *Integrity and Efficiency in Sustainable Public Contracts: Balancing Corruption Concerns in Public Procurement Internationally* (Bruylant 2014), this volume builds on a series of academic conferences and exchanges to address these issues from sophisticated academic, institutional and practical perspectives, and to point the way to future research on the contractual models that are emerging from new procurement technologies.

This topical book offers an in-depth analysis of the recent implementation of the Public Procurement Directive, based on the experiences of 12 Member States including France, Germany, Italy, Poland, Spain and the United Kingdom. The contributions from first-class public procurement law experts offer an informed and comparative analysis of the recent implementation of the Public Procurement Directive, as well as focussing on so-called gold-plating (overimplementation) and issues where the legality of the implemented legislation is questionable. Vitally, the chapters also consider national preparatory works as a legal source and their interesting role in the implementation of the Directive including its Preamble. Attention is also given to the implementation of some of the most important novelties in the Directive such as the exclusion grounds, the competitive procedure with negotiation and contract changes. *Modernising Public Procurement* will be important reading for practitioners and civil servants involved in the implementation of public procurement law. Academics, researchers, politicians, judges and members of complaints boards in the field of public procurement law will also find this book a stimulating read.

There is suspicion in the UK and across Europe that the upcoming introduction of new European Directives will encourage a regime of conservatism and legal risk aversion, fostering

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the delivery of mediocre and banal building design. This book dispels these myths and instead looks at the genuine impact of EU law on architectural practice. Engaging in public sector work requires a broad understanding of this seemingly complex and constantly evolving subject, and unlike other texts, the book is designed to explore public procurement from the perspective of the architect. An easy to follow guide through the complex legal and technical jargon involved in the procurement process, the book provides practical tools which will assist architects in developing their own, clear procurement strategy. Although written with a UK audience in mind, the advice will also be applicable to other European jurisdictions. It is invaluable reading for existing practitioners wishing to expand their current involvement in the public procurement process, as well as those encountering it for the first time.

This book examines the effectiveness of the modernisation of EU public procurement law in light of the overarching treaty goals on sustainability. Contributors expertly cover core issues of public procurement, including life cycle costing (LCC), eco- and fairtrade labels, the link to the subject matter (LtSM) requirement, the mandatory horizontal rule on environmental and social legal compliance, and framework agreements. Also explored are the balancing of economic and non-economic objectives implied in sustainable public procurement. The volume moves on to identify major unresolved issues in the use of sustainability considerations, and highlights challenges and possibilities for the national implementation due to take place in 2016. The book contributes to the dismantling of the compartmentalisation that underpins unsustainable policy decisions by discussing the interface of company law and public procurement law and the implication of the new rules on sustainable public procurement for sustainable companies, and specifically for small- and medium-sized enterprises (SMEs).

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Public procurement in the European Union represents almost twelve per cent of the EU's GDP and is continuing to increase, having been identified as a key objective in the EU's aim to become the most competitive economy in the world by 2010. This book provides a one-stop shop, multi-disciplinary approach to public procurement and will be of use to academics and policy-makers. Providing its readers with practical description and analysis of the relevant policies, law and jurisprudence, the book also explores possible future trends in public procurement regulation.

European Public Procurement Law combines the full text of the new Public Sector Procurement Directive 2014/24/EU with excerpts from 145 relevant judgments rendered by the Court of Justice of the European Union during the period 1982-2014. Constant De Koninck, Thierry Ronse and William Timmermans provide commentary on the impact of the Public Sector Procurement Directive 2014/24/EU and analysis of the case law. An insightful overview of the key changes introduced by the Directive is also included. This new edition connects the reader with the relevant CJEU case law, which has been instrumental in interpreting the public procurement legal framework. It is intended for legal practitioners and has a clear practical use for officials who have to ensure that contracts are awarded in an open, fair and transparent manner, allowing domestic and nondomestic firms to compete for business on an equal basis, all this within the EU legal framework and in compliance with the new Public Sector Procurement Directive 2014/24/EU.

Public procurement affects a substantial share of world trade flows, amounting to 1000 billion euros per year. In the EU, the public purchase of works, goods and services has been estimated to account on average for 16 percent of GDP. The novelty of this book

is that it focuses on the new European Union Directives approved in 2014 by the EU Parliament. The book consists of original contributions related to four specific themes of interest to the procurers' day-to-day role in modern public purchasing organizations – both economists and lawyers – allowing for relevant exchanges of views and “real time” interaction. The four sections which characterize the book are Life-cycle Costing in Public Procurement; Calculating Costs and Savings of Public Procurement; Corruption and Probity in Public Procurement and Public Procurement and International Trade Agreements: CETA, TTIP and beyond. These themes have been chosen for their current relevance in relation to the new European Public Procurement Directives and beyond. The original format features, as is the case with the first three volumes, an introductory exchange between leading academics and practitioners, from differing disciplines. It offers a series of sequential interactions between economists, lawyers and technical experts who supplement one another, so as to enrich the liveliness of the debate and improve the mutual understanding between the various professions. This essential guide will be of interest to policymakers, academics, students and researchers, as well as practitioners working in the field of EU public procurement. Public procurement is an important and rapidly evolving area of practice in the European commercial legal environment, and the Court of Justice of the European Union (CJEU) has been instrumental in shaping the current regime. The size of the market, the volume of transactions between public and private sectors, and new

developments in the interface between sectors has created a need for a comprehensive conceptual framework to assess important law, policy, and jurisprudence. This book offers a lucid and authoritative guide to the development and application of public procurement law in the European Union (EU) and its Member States, with a core focus on the principles and case law of the CJEU. It evaluates the policies which underpin public procurement regulation in the EU and the characteristics of public procurement litigation before the CJEU, and closely examines the Court's approach to different areas of public procurement, with insightful and in-depth analysis of the legislation and case law, and the themes that emerge in relation to the Fundamental Principles of EU Treaties. The book's holistic approach, comparing EU *acquis* on public procurement with the Member States' stance on both application and enforcement, make it an important and innovative reference for legal practitioners, judges, policy makers and academics.

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

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Justice and's 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 1993and–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 and'realityand' 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.

This insightful book provides readers with a practical and theoretical explanation of the ways in which the new, tailor-made Innovation Partnership Procedure can be used throughout all Member States in the European Union. With a focus on the Procurement Directive for the public sector (Directive 2014/24/EU), Pedro Cerqueira Gomes argues that innovation is a crucial policy of the EU that must be extended to public procurement – implying interesting harmonisation challenges, mostly regarding the use of the Innovation Partnership Procedure and the national administrative law traditions of the Member States.

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