

EUROPEAN PROCUREMENT LAW SERIES

AWARD OF CONTRACTS IN EU PROCUREMENTS

Atsuko Comba &
Simon Thornton (Eds.)

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Award Of Contracts In Eu Procurements European Procurement Law

Burgess, Kevin, Antill, Peter



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Award of Contracts in EU Procurements Mario Comba, Steen Treumer, 2013 The award phase is of crucial importance for the outcome of the competition for the contract and it is therefore not surprising that it has been considered in thousands of public procurement disputes in the Member States of the EU The subject of this book has for obvious reasons already received scholarly attention in the many books and articles on EU public procurement law However the existing literature has seldom been based on a comparative approach covering a broad range of Member States of the European Union with diversified national approaches to EU public procurement law The present publication is original in this sense and consequently provides the reader with an insight that cannot be found elsewhere *Transparency in EU Procurements* Kirsi-Maria Halonen, Roberto Caranta, Albert Sanchez-Graells, 2019 This book provides a timely analysis of transparency in public procurement law In its first part the book critically assesses a number of key matters from a general and comparative perspective including corruption prevention competition and commercial issues and access to remedies The second part illustrates how the relevance of these aspects varies across member states of the EU Centralising Public Procurement Risvig Hamer, Carina Comba, Mario, 2021-12-09 This timely book examines the ever increasing prevalence of Central Purchasing Bodies CPBs analysing their use and structure across different EU Member States It argues that since CPBs are only partially regulated at EU level their operations will depend on the legislation of the individual Member States and more importantly on the States distinct practices and traditions Comparative contributions consider the legal nature and structures of CPBs across 12 Member States and the UK **Framework Agreements, Supplier Lists, and Other Public Procurement Tools** Serban Filipon, 2023-07-13 This book looks at regulation policy and implementation of framework agreements supplier lists and other similar public procurement tools with a strategic and pragmatic perspective Whilst procurements of huge volumes and value are performed worldwide through such tools on a daily basis and despite their complexity and diversity this topic has rarely been studied in a systematic way The book fills this major gap It examines a series of public procurement systems or legal instruments selected to ensure wide coverage the UNCITRAL Model Law on Public Procurement the World Bank the US federal procurement system EU law France Romania and the UK pre and post Brexit By deconstructing over 20 clusters of tools into their key features along a pattern for analysis the book reconstructs a conceptual framework for purchasing uncertain or indefinite requirements through a transversal perspective across public procurement systems In this way the book provides valuable orientation to law and policy makers for improving or reforming this area to procurement officers in interpreting existing regulation and identifying innovative practical solutions and to lawyers and the judiciary for a balanced application of the regulation The book delivers essential material for procurement of uncertain or indefinite requirements **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

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 **Research**

Methodologies in Supply Chain Management Herbert Kotzab, Stefan Seuring, Martin Müller, Gerald Reiner, 2005-05-17 For research in all subjects and among different philosophical paradigms research methodologies form one of the key issues to rely on This volume brings a series of papers together which present different research methodologies as applied in supply chain management This comprises review oriented papers that look at what kind of methodologies have been applied as well

as methodological papers discussing new developments needed to successfully conduct research in supply chain management The third group is made up of applications of the respective methodologies which serve as examples on how the different methodological approaches can be applied All papers have undergone a review process to ensure their quality Therefore we hope that this book will serve as a valid source for current and future researchers in the field While the workshop on Research Methodologies in Supply Chain Management took place at the Supply Chain Management Center Carl von Ossietzky University in Oldenburg Germany it is based on a collaboration with the Supply Chain Management Group of the Department of Operations Management at the Copenhagen Business School and the Department of Production Management at the Vienna University of Economics and Business Administration We would like to thank all those who contributed to the workshop and this book

The International Compendium of Construction Contracts Phillip Greenham, Society of Construction Law Australia, 2021-05-10 This book examines how the most commonly used construction project contracts are applied in a range of countries around the world The specific situation of each of the almost 40 countries studied is dealt with in a dedicated chapter allowing for easy comparison between differing legal and commercial environments Each chapter contextualizes the relevant contracts within the legal and commercial systems prevalent in a particular country and examines a number of common issues impacting construction projects around the world This unique book will be an essential resource for construction law specialists around the world because of its focus on commonly used contracts and the contextualizing of these contracts into the legal and commercial environment of each studied country All contributions are from practicing construction project lawyers ensuring that the quality of the information and analysis is of the highest standard

Emerging Strategies in Defense Acquisitions and Military Procurement Burgess, Kevin, Antill, Peter, 2016-07-22 Military and defense organizations are a vital component to any nation In order to maintain the standards of these sectors new procedures and practices must be implemented *Emerging Strategies in Defense Acquisitions and Military Procurement* is a pivotal reference source for the latest scholarly research on the present state of defense organizations examining reforms and solutions necessary to overcome current limitations and make vast improvements to their infrastructure Highlighting methodologies and theoretical foundations that promote more effective practices in defense acquisition this book is ideally designed for academicians practitioners researchers upper level students and professionals engaged in defense industries

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

Mandatory Sustainability Requirements in EU Public Procurement Law Willem Janssen, Roberto Caranta, 2023-10-05 This book provides the first comprehensive appraisal of the

paradigm shift towards mandatory sustainability requirements in EU public procurement law. Traditionally EU public procurement law focused on how to buy dictating procedural rules so that public buyers in the Member States did not discriminate against suppliers and service providers from other Member States. Mandatory green and social requirements mean that with a view to achieving sustainable development goals and mitigating climate change the EU will limit this discretionary power for public buyers pushing them to acquire more sustainable goods and services. Based on legal analysis informed by economic perspectives the book aims to contribute to an understanding and critical discussion of the EU legislator's move towards regulating what to buy. The book discusses the role of the Public Procurement Directives in relation to this paradigm shift as well as various other sectoral legislative instruments that have been revamped or newly introduced in light of the European Green Deal. The paradigm shift is analysed from different perspectives including subsidiarity, alternative regulation, economics and public purchasing. The book includes novel sectoral studies on transport, food, clothing and construction discussing how change is taking place and what its major challenges are for the future. Chapters on Italy, the Netherlands, Spain and more offer case studies of Member States that have already introduced mandatory requirements and highlight lessons learnt. This is an essential book for professionals working with public procurement law in academia and practice and to those engaged in achieving public policy objectives in light of climate change and social injustice.

Modernising Public Procurement Steen Treumer, Mario Comba, 2018-10-26. 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. Vitality 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. Contributors include R. Gren, P. Bogdanowicz, M. Burgi, R. Caranta, M. Comba, D. Dragos, P. Ferik, K. H. rginen, F. Lich, re B. Neamtu, S. Richetto, A. Sanchez Graells, M. A. Simovart, A. Sundstrand, S. Treumer, P. Valc, rcel, Fern, ndez, D. Wolff. *The Law of Green and Social Procurement in Europe* Roberto Caranta, Martin Trybus, 2010. The main objective of public procurement regulation is to provide a government with the supplies 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 of ensuring 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 or social procurement are the subject of this book. The analysis covers the EU 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.

The Marketisation of Framework Agreements in the UK
Steven Brunning, Luke RA Butler, 2025-11-13. This book examines the increasing marketisation of framework agreements in UK public procurement and proposes reform to refocus the purpose of this vital purchasing tool and renew the emphasis on public service delivery. Through detailed empirical research, the book examines how contracting authorities set up and use framework agreements in practice, the behaviours of centralised procurement authorities and the private sector and how these have been addressed or not under the Public Contracts Regulations 2015 implementing EU Directives. This reveals the scale of marketisation, the effect of legal rules on framework agreement efficacy and the need for regulatory and other reform. Going further post Brexit, this book also examines the relatively limited impact of the new UK Procurement Act 2023 in addressing these issues and identifies a pressing need for further regulatory, institutional and industry reform. The book provides the reader with a detailed understanding and analysis of the rules and policies on framework agreements as developed and applied under EU law and UK law, including the UK's post Brexit efforts at reform and the resulting legal uncertainty. It also provides insight into the less explored attitudes, behaviours and practices. This includes everything from centralised purchasing authorities competing against each other to provide framework agreements across the public sector to private sector organisations seeking to run framework agreements for profit. The book will be of interest to practitioners keen to understand and mitigate legal and commercial risks in setting up and using framework agreements. It will also guide policy makers on the key priorities for targeted reform. Civil society organisations will gain insight into the ongoing challenges of ensuring transparency and accountability. The book will also be of comparative interest in the EU given the UK's experience as a Member State and internationally for countries looking to reform their approach to regulating framework agreements.

Shaping EU Public Procurement Law
Albert Sanchez-Graells, Constant De Koninck, 2018-09-14. 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 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

Government Purchasing in Europe, North America and Japan Organisation for Economic Co-operation and Development, 1966
Government Purchasing in Europe, North America and Japan: Regulations and Procedures Organisation for Economic Co-operation and Development. Trade Committee, 1966
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
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 *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

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