



EU Directive on Public Procurement

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**Caranta, Roberto, Sanchez-Graells,
Albert**



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European Public Procurement Caranta, Roberto, Sanchez-Graells, Albert, 2021-10-26 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.

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.

Services of General Economic Interest as a Constitutional Concept of EU Law Caroline Wehlander, 2016-06-23 This book offers a legal understanding regarding the core elements of SGEI Services of General Interest and of how the post-Lisbon constitutional framework on SGEI affects the application of the EU market rules by the EU Court of Justice including procurement rules to public services. It is built up of three parts: namely Part I No Exit from EU Market Law for Public Services; Part II SGEI as a Constitutional Voice for Public Services in EU Law; and Part III The cost of loyalty: the relationship between EU procurement and state aid legislation on social services and the Treaty rules on SGEI ending with a case study of Swedish systems of choice. Analyses are also provided on how the EU legislator engages in the Europeanisation of social services through EU procurement and state aid rules that have an ambiguous relationship to the Treaty framework on SGEI. Some explanation to this ambiguity is proposed by studying how the application of EU state aid rules could hinder the development of Swedish systems of choice: liberalizing publicly funded elderly care and school education. Included are propositions on crucial but yet unsettled legal questions in particular what the legal meaning and

relevance of the notion of economic activity in EU market law are and which core elements characterize SGEI This book is therefore mainly aimed at legal academics and practitioners but may also be of interest to political scientists Caroline Wehlander studied at Ume University and holds the title of Doctor of Laws She lives and works in Sweden **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 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 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 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 Contributors include R gren P Bogdanowicz M Burgi R Caranta M

Comba D Dragos P Ferk 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 European Access ,2002 **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 **Europolitics Environment** ,2006-12-08 *Public Procurement Law* Simon Evers Hjelmborg,Peter Jakobsen,Sune Troels Poulsen,2006 This book is an analysis of the newly implemented EU Procurement Directive and therefore will be important to all members and countries trading with EU The analyses are based on judgments of the European Court of Justice communications from the European Commission and Danish case law Originally written in Danish the authors have found it relevant to translate the book into English since the new Procurement Directive has been transposed directly into Danish law As a consequence the rules of the Directive are directly applicable to Danish law and the extensive Danish case law on the Procurement Directive largely amplifies the analyses of the individual rules of the Procurement Directive 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

Modernising Public Procurement François Lichère, Roberto Caranta, Steen Treumer, 2014 The recently approved Public Procurement Directive 2014 24 EU has brought a major overhaul to EU law and made significant changes to the obligations of contracting authorities in the Member States Concurrently the new directive has introduced some measures of flexibility and important new requirements This book focuses on the essence of these changes starting with the definition of a public procurement contract to end with changes to concluded contracts In between many very important aspects of the reform are analysed including the new rules on in house and public public partnerships on *European Public Procurement Law* Constant de Koninck, Thierry Ronse, 2015 Text of the Public Sector Procurement Directive 2014 24 EU pages 641 821

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 **EU public**

procurement law Sune Troels Poulsen, Peter Stig Jakobsen, Simon Evers Kalsmose-Hjelmborg, 2012 EU Public Procurement and Innovation Pedro Cerqueira Gomes, 2021-01-29 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 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

Public Procurement in Europe Commission of the European Communities, European Commission, 1994

A Practical Guide to Public Procurement Abby Semple, 2015 A guide to the EU legislation which governs the award of public contracts in all 28 EU countries

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

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