

## Public Procurement In The Eu A Practitioners Guide

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 law, regulating public sector purchasing of certain contracts for goods, works and services, is an area of EU law which is closely intertwined with the UK's economy. It will almost inevitably be affected by the consequences of Brexit. At a time of significant uncertainty, this book explores policy directions which domestic procurement law could take in the future, including whether 'Buy National' policies might feasibly be introduced, or whether existing procurement procedures could be significantly reviewed.

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

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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, publicprivate partnerships and publicpublic 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 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.

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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 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.

The New Directive

A Critical Analysis of the CJEU Case Law 2015-2017

Tenders Electronic Daily : European Public Procurement

New Perspectives on the State as Stakeholder

Reformation or Deformation of the EU Public Procurement Rules

*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, oft 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 new 2014 Directives on public procurement that, in a novel way, consolidate the principle of competition in terms very close to those advanced by the author in the first edition. This second edition of the book builds upon this principled 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 in markets where public procurement is particularly significant. The second edition of the book also deepens the analysis of the market behaviour of the public buyer from a competition perspective. The analysis remains both legal and economic. Proceeding through a careful assessment of the general rules of competition and public procurement, the book constantly tests the efficacy of the rules in competition and*

*public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement. 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 that line of development of EU Economic Law.*

*In Europe, 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, and ending with changes to concluded contracts. In between, essential aspects of the reform are analyzed, including the new rules on in house and public-public partnerships, on qualification, on the new and more flexible award procedures, including those aimed at fostering innovation. Specific attention is also paid to the new emphasis on strategic procurement, to the benefit of SMEs, and to the renewed efforts to exploit e-procurement and aggregated purchasing. The book's contributions provide an in-depth analysis of most of the new provisions in Directive 2014/24/EU and will be valuable to academics and practitioners, especially considering that some of the new provisions may have immediate effects. (Series: European*

*Procurement Law - Vol. 6) [Subject: EU Law, Public Procurement Law, Contract Law]  
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.*

*Research Handbook on EU Public Procurement Law Edward Elgar Publishing  
Award of Contracts in Eu Procurements  
Sustainable Public Procurement under EU Law  
Law and Economics of Public Procurement Reforms  
Unleashing Social Justice through EU Public Procurement*

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. 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. 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.

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 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 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.

A Practitioner's Guide

EU Public Contract Law

EU Public Procurement Law

Public Procurement in the European Union

Brussels commentary on EU public procurement law

*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.*

*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.*

*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).*

*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.*

*Legislative History of the 'utilities' Directive : 2004/17/EC*

*Joint Public Procurement and Innovation*

*Brussels Commentary on EU Public Procurement Law*

*EU Public Procurement and Innovation*

*Discretion in EU Public Procurement Law*

Appropriate laws and regulations are essential tools 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. Law and Economics of Public Procurement Reforms collects the original contributions related to the new European Union Directives approved in 2014 by the EU Parliament. They are of both economists and lawyers, and have been presented in a manner that allows for exchanges of views and "real time" interaction. This book features, for each section, an introductory exchange between two experts of different disciplines, made up of a series of sequential interactions between an economist and a lawyer, which enriches the liveliness of the debate and improve the mutual understanding between the two professions. Four sections characterize this book: Supporting social considerations via public procurement; Green public procurement; Innovation through innovative partnerships; and Lots - The Economic and

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Legal Challenges of Centralized Procurement. These themes have current relevance of the new European Public Procurement Directives. Written by an impressive array of experts in their respected fields, this volume is of great importance to practitioners who work in the field of EU public procurement in the Member States of the EU, as well as academics and students who study public finance, public policy and regulation.

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



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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).

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 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

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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.

Public Procurement in the EU

How Contracting Authorities Can Improve Their Procurement Performance in Tenders

European Public Procurement

Commentary on Directive 2014/24/EU

Brexit and Procurement Law

*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.*

*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 (1996 and 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 Utilities 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.*

*EU public procurement rules were introduced to ensure fair and open competition by and between EU member-states for contracts of goods, services and construction projects. These rules affect tenders not only for central governments and local authorities, but also for public utilities, quasi-public bodies (eg, NHS trusts), and the transportation and telecommunications industries. Although the Procurement Directives have existed for a number of years, the law on the subject is complicated and not well understood, and severe penalties are made if the rules are breached. Already there have been cases of unsuccessful tenderers recovering damages through the courts. Written by a practising barrister, EU Public Procurement Law provides a clear, readable guide for buyers, suppliers and managers who are affected by the regime and for lawyers working on EU matters. It includes a chapter on compulsory competitive tendering to show how this relates to European 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.*

*The Innovation Partnership Procedure and Harmonization Challenges*

*Public Procurement and the EU Competition Rules*

*Life-Cycle Costing for Sustainability*

*Modernising Public Procurement*

*Lessons Across Borders*

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.

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 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.

"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.

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.

**Damages in EU Public Procurement Law**

**Public Procurement Policy**

**The Approach of EU Member States**

**The Public Sector Procurement Directive 2014/24/EU Explained Through 30 Years of Jurisprudence by the Court of Justice of the European Union**

**Centralising Public Procurement**

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.

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.

iThe 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.

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. 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.

European Public Procurement Law

The Challenges of Public Procurement Reforms

Opinion on the Green Paper on Public Procurement in the European Union

The European Public Procurement Remedies Directives and 15

Years of Jurisprudence by the Court of Justice of the

European Communities : Texts and Analysis. Remedies

Exploring the Way Forward

***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.***

***Shortlisted for the 2012 Prix Vogel in Economic Law. Public procurement and competition law are both important fields of EU law and policy, intimately intertwined in the creation of the internal market. Hitherto their close connection has been noted, but not closely examined. This new work is the most comprehensive attempt to date to explain the many ways in which these fields, often considered independent of one another, interact and overlap in the creation of the internal market. In this process of convergence between competition***



***and public procurement law , the need for this joint study is clearly apparent. As such the book asks whether competition law principles inform or condition public procurement rules, and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant. The book moves away from the classical focus of public procurement on the activities of private actors, developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective. The analysis is both legal and economic. Proceeding through a careful assessment of the general rules of competition and public procurement, the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement.***

***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.***

***The dramatic results of the 2014 European Parliament elections have highlighted the European Union's urgent need for a review of the scope and purpose of its social objectives and for a reordering of European priorities. This book advocates a radical and original alternative to the current philosophy that determines the set of rules for the awarding of EU public procurement contracts. It calls for a reordering of the EU's economic and social priorities. In doing so, it advocates for a social dimension to be placed at the core of public procurement, which could elicit a social model of integration in the EU in which the European citizen is the key actor. This is achieved through an analytical approach as well as concise and contextualised explanations relating to free trade theories, poverty and public interest theories. This book will be of key interest to students and scholars of the European***

***Union, political theory, and EU law.***

***TED***

***Legislative Framework, Basic Principles and Institutions***

***Transparency in EU Procurements***

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