

The Law of EU Public Procurement: A Comprehensive Guide

The Law of EU Public Procurement is a comprehensive guide to the legal framework governing public contracts in the European Union. This book provides a detailed analysis of the relevant EU Directives, case law, and national implementing measures, as well as an overview of the key principles and concepts of EU public procurement law.

The EU Public Procurement Directives

The EU public procurement Directives are the primary source of law governing public contracts in the European Union. These Directives set out the general principles and procedures that must be followed by public authorities when awarding public contracts. The four main EU public procurement Directives are:



The Law of EU Public Procurement by Christopher Bovis

★★★★★ 5 out of 5

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- Directive 2014/24/EU on public procurement

- Directive 2014/25/EU on concessions
- Directive 2014/23/EU on remedies
- Directive 2009/81/EC on defence and security procurement

These Directives have been implemented into national law in all EU Member States. The national implementing measures vary from Member State to Member State, but they must all comply with the requirements of the EU Directives.

The Key Principles of EU Public Procurement Law

The key principles of EU public procurement law are:

- **Transparency:** Public procurement procedures must be transparent and open to all interested parties.
- **Non-discrimination:** Public authorities must not discriminate against any supplier or contractor on the basis of nationality, size, or other irrelevant factors.
- **Equal treatment:** All suppliers and contractors must be treated equally and fairly throughout the procurement process.
- **Proportionality:** Public authorities must only impose requirements that are necessary and proportionate to the subject matter of the contract.
- **Value for money:** Public authorities must award contracts to the supplier or contractor that offers the best value for money.

The EU Public Procurement Process

The EU public procurement process typically involves the following steps:

1. **Publication of a contract notice:** The public authority publishes a contract notice in the Official Journal of the European Union (OJEU). The contract notice contains information about the contract, such as the subject matter, the budget, and the deadline for submission of tenders.
2. **Submission of tenders:** Suppliers and contractors submit their tenders to the public authority by the deadline specified in the contract notice.
3. **Evaluation of tenders:** The public authority evaluates the tenders and selects the supplier or contractor that offers the best value for money.
4. **Award of the contract:** The public authority awards the contract to the selected supplier or contractor.
5. **Performance of the contract:** The supplier or contractor performs the contract in accordance with the terms and conditions agreed with the public authority.

Remedies for Breaches of EU Public Procurement Law

There are a number of remedies available to suppliers and contractors who believe that their rights have been infringed by a breach of EU public procurement law. These remedies include:

- **Administrative remedies:** Suppliers and contractors can file a complaint with the public authority that awarded the contract. The public authority may then investigate the complaint and take appropriate action, such as annulling the contract.

- **Judicial remedies:** Suppliers and contractors can file a lawsuit in court to challenge a breach of EU public procurement law. The court may then Free Download the public authority to take specific action, such as awarding the contract to the supplier or contractor that should have won it.

The Law of EU Public Procurement is a complex and ever-changing area of law. This book provides a comprehensive overview of the legal framework governing public contracts in the European Union. It is an essential resource for lawyers, public officials, and anyone else who is involved in the public procurement process.

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