



Course Outline

Course number	RBE235					
Course title	Public Procurement Law					
Credit points	3 ECTS					
Total hours	30					
Lecture hours	10					
Seminar and other hours	20					
Course level	Bachelor					
Prerequisites	None					
Category	Mandatory		Restricted elective	X	Free elective	

COURSE TEACHERS

No.	Name	Academic degree	Academic position
1	Peter Gjortler	LLM	Senior lecturer
2	Aleksandra Melesko	LLM	Lecturer
3	Ieva Lācenberga-Rocēna	LLM	Lecturer
4	David Salomonsen	LLM	Lecturer

COURSE ABSTRACT

The main purpose of this course is to provide an overview of the EU primary and secondary legislation regulating the public procurement activities of the Member States and help students to understand the main principles governing the rights and obligations of Member States and their contracting authorities. The course will also provide a basic knowledge of the EU law in key aspects of procurement, such as the obligation of a tender, preparation of tender documentation, selection of candidates, tender procedures, contract awarding and recourse to potential remedies at national and EU level.

The course is based on the 2014 Public Procurement directives that will introduce significant changes to the existing public procurement rules and principles. The course consists of lectures and seminars. Lectures on a particular topic will be followed by one or more seminars. For seminars students will be expected to analyse and discuss real or fictional cases. The course includes also a study visit in order to offer students an opportunity to meet practitioners working in authorities responsible for monitoring transparency and legality of public procurement procedures.

COURSE OBJECTIVES

The primary objective of this course is to develop a solid comprehension of the main principles governing the award of public contracts in the EU, the applicable legal framework and the relevant case-law of the Court of Justice of the EU in the field of public procurement. Special emphasis will be placed on developing students' problem-solving and analytical skills.

GRADING CRITERIA

Criteria	Weighting
Exam (class open-book)	100%

COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	Public procurement legal framework and general principles	6
2	Contract award procedures	10
4	Public procurement in Latvia	4
3	Enforcement of public procurement rules and legal remedies	4
4	Special fields of procurement	6

COURSE PLAN – SESSIONS

Session	Session subjects and readings	Lecture/seminar
1	Procurement system of the EU <ul style="list-style-type: none"><i>This session will give an introduction to the EU public procurement system and its objectives</i> <u>Reading:</u> Sue Arrowsmith: The EU procurement regime - Objectives and overview (Arrowsmith p. 44-65)	11-13, 28/01 P Lecture
2	Procurement principles of the EU Treaties <ul style="list-style-type: none"><i>This session will present the major principles of public procurement that may be derived from the EU treaties</i> <u>Reading:</u> Sue Arrowsmith: The TFEU Rules (Arrowsmith p. 66-87) <u>Case-law:</u> C-231/03 Coname C-324/98 Telaustria C-107/98 Teckal	15-17, 01/02 P Seminar
3	Field of application for EU Public Procurement <ul style="list-style-type: none"><i>This session will present the entities and activities that are covered by public procurement obligations, based on the classic</i>	15-17, 03/02 P Seminar

Session	Session subjects and readings	Lecture/seminar
	<p><i>sector directive 2014/24</i></p> <p><u>Reading:</u> Sue Arrowsmith: The public sector directive 2004/18 - Scope of coverage (Arrowsmith p. 88-120)</p> <p><u>Legislation:</u> Directive 2014/24 of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18</p> <p><u>Case law:</u> C-295/05 Asociacion Nacional de Empresas Forestales C-451/08 Helmut Muller</p>	
4	<p>Drafting specifications in Public Procurement</p> <ul style="list-style-type: none"> <i>This session will cover the issues to be considered when drafting specifications for public procurement, based on the classic sector directive 2014/24</i> <p><u>Reading:</u> Sue Arrowsmith: The public sector directive 2004/18 – rules on drafting specifications (Arrowsmith p. 121-128)</p> <p><u>Cases:</u> C-532/06 Lianakis C-454/06 Presstext Nachrichtenagentur</p>	15-17, 05/02 P Seminar
5	<p>Contract procedures for Public Procurement</p> <ul style="list-style-type: none"> <i>This session will introduce the different contract procedures for public procurement, based on the classic sector directive 2014/24</i> <p><u>Reading:</u> Sue Arrowsmith: The public sector directive 2004/18 – contract award procedures (Arrowsmith p. 129-167)</p> <p><u>Cases:</u> C-373/00 Truly C-337/06 Bayerischer Rundfunk</p>	11-13, 08/02 D Lecture
6	<p>Award criteria for Public Procurement</p> <ul style="list-style-type: none"> <i>This session will introduce the different award criteria for public procurement, based on the classic sector directive 2014/24</i> <p><u>Reading:</u> Sue Arrowsmith: The public sector directive 2004/18 – contract award procedures (Arrowsmith p. 168-216)</p> <p><u>Cases:</u> C-21/03 Fabricom</p>	15-17, 08/02 D Seminar

Session	Session subjects and readings	Lecture/seminar
	C-336/12 Manova	
7	<p>Public Procurement in the Utilities Sector</p> <ul style="list-style-type: none"> <i>This session will introduce the special procurement rules that apply in the field of utilities, based on the utilities sector directive 2014/25</i> <p><u>Reading:</u> Sue Arrowsmith: EU R rules for the utilities sector (Arrowsmith p. 217-247)</p> <p><u>Legislation:</u> Directive 2014/25 of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17</p> <p><u>Cases:</u> C-57/01 Makedoniko Metro and Michaniki C-213/07 Michaniki</p>	09-11, 09/02 D Seminar
8	<p>Public procurement in Latvia</p> <ul style="list-style-type: none"> <i>This sessions will provide an insight into the particularities of the Latvian public procurement sector</i> <p><u>Reading:</u> To be specified</p>	15-17, 18/02 I Lecture
9	<p>Procurement Monitoring Bureau and E-procurement</p> <ul style="list-style-type: none"> <i>This session will introduce the role and main responsibilities of the Latvian Procurement Monitoring Bureau (Iepirkumu uzraudzības birojs) and also introduce the functioning of the Latvian E-procurement system</i> <p><u>Reading:</u> Sue Arrowsmith: Electronic procurement (Arrowsmith p. 248-258)</p>	15-17, 23/02 I Seminar (study visit)
10	<p>Procurement in the Defence Sector</p> <ul style="list-style-type: none"> <i>This session will introduce the special rules that apply for procurement in the defence sector, based on directive 2009/81</i> <p><u>Reading:</u> Sue Arrowsmith: Defence procurement (Arrowsmith p. 259-288)</p> <p><u>Legislation:</u> Directive 2009/81 of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by</p>	15-17, 25/02 P Lecture

Session	Session subjects and readings	Lecture/seminar
	contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17 and 2004/18	
11	<p>Concessions and Public Procurement</p> <ul style="list-style-type: none"> <i>This session will introduce the new regulation of concessions in public procurement, based directive 2014/23</i> <p><u>Reading:</u> Brief 18 & Brief 31 (SIGMA)</p> <p><u>Legislation:</u> Directive 2014/23 of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts</p>	11-13, 29/02 P Seminar
12	<p>Practical Application of Public Procurement</p> <ul style="list-style-type: none"> <i>This session will take the form of an exercise in practical application of EU Public Procurement law</i> <p><u>Reading:</u> Rozen Noguello: Scope and coverage of the EU Procurement Directives (Caranta p. 15-36)</p>	13-15, 02/03 P Seminar
13	<p>Enforcement of public procurement rules in the EU and legal remedies</p> <ul style="list-style-type: none"> <i>This session will focus on the relevance and the scope of the Remedies Directives and the respective roles of the national review bodies, the European Commission and the Court of Justice of the EU. Various types of legal remedies available both at national and EU level will be analysed.</i> <p><u>Reading:</u> Steen Treumer: Enforcement of the EU Public procurement rules - the state of law and current issues (Treumer p.17-52)</p> <p><u>Legislation:</u> The Remedies Directives: Directive 89/665 (remedies in the public sector), Directive 92/13 (remedies in the utilities sector), as amended by Directive 2007/66</p>	11-13, 10/03 A Lecture
14	<p>Case studies</p> <ul style="list-style-type: none"> <i>This session will explore the practical application of the enforcement rules</i> <p><u>Cases:</u> C-470/99 Universale Bau C-92/00 Hospital Ingenieure C-81/98 Alcatel</p>	09-11, 11/03 A Seminar

Session	Session subjects and readings	Lecture/seminar
15	<p>Integration of specific policies in EU public procurement procedures</p> <ul style="list-style-type: none"> <i>This session will address the issue of the increasing relevance of social and environmental considerations in public procurement procedures, relevant legal framework and case-law.</i> <p><u>Reading:</u> Jens Fejø: Social and environmental policies in EU Public procurement law (Arrowsmith p. 298-337)</p> <p><u>Cases:</u> C-448/01 EVN and Wienstrom C-513/99, Concordia Bus Finland</p>	11-13, 11/03 A Seminar
Exam	<p>Open book, in class</p> <ul style="list-style-type: none"> <i>The exam will test the ability of the participants to apply the lessons learned in the course by analysing and responding to questions concerning a fictional case</i> 	09-11, 16/3 S Exam

COURSE LITERATURE

No.	Author, title, publisher
1	Sue Arrowsmith EU Public Procurement Law: an introduction http://www.nottingham.ac.uk/pprg/documentsarchive/asialinkmaterials/eupublicprocurementlawintroduction.pdf
2	Roberto Caranta, Gunilla Edelstam & Martin Trybus EU Public Contract Law: Public Procurement and Beyond Bruylant 2013
3	Steen Treumer & F. Lichère Enforcement of the EU Public procurement rules DJØF 2011
4	Brief 18 Concessions and PPPs SIGMA 2011
5	Brief 31 2014 EU Directives – Concessions SIGMA 2014
6	Course compendium with additional materials