

EU Procurement: Legal Precedents and their Impact

*A look at some of the quirkier and more
interesting legal cases around EU
procurement and how they have
affected tendering practice*



Andrew Shorter

Eu Procurement Legal Precedents And Their Impact

Deborah Rigling Gallagher



Eu Procurement Legal Precedents And Their Impact:

Eu Procurement MR Andrew Shorter, 2014-07-01 This book explains the impact that some key legal decisions may have on your daily procurement practices whilst it aims at being readable and at times amusing it hopes to set some of the requirements of the Procurement Regulations into a practical context and help those tendering to navigate their way through what to some must at first seem like a legal minefield It isn't but it does demand thought and care In addition it will look at some of the more recent pieces of legislation purely to help you keep abreast of any changes to your current practice that these new legal requirements may demand Not only will the precedents and requirements explained herein guide you towards safer and more compliant procurement it will also hopefully enable you to better understand the implications when someone names a case on which current good practice is based It may even dare I say enable you to better participate in discussions on EU legislation at dinner parties and with your peers

The Impact of the European Court of Justice on Neighbouring Countries Arie Reich, Hans-W. Micklitz, 2020-10-30 There is a considerable mismatch between theories on the influence of the EU outside its borders and concrete knowledge on whether and to what extent the suggested impact is of any practical relevance The aim of this book therefore is to help close that gap in the knowledge concerning the role and function of the Court of Justice of the European CJEU outside its own borders in selected countries Scholars from Armenia Azerbaijan Georgia Israel Jordan Russia Switzerland Tunisia Turkey Ukraine and the Eurasian Economic Union have researched and explored how their respective countries have been influenced by the CJEU This title looks at why along with how these decisions have been utilized All of this culminates in an effort to be able to rank the degree to which the CJEU is influencing non EU jurisdictions according to a common scale Looking across the selected countries this title analyses the research provided by the scholars This includes a brief description of the relationship and agreements between the EU and the country a concise history of the country's judiciary a full account of the extent to which the country's courts have cited CJEU judgements and an analysis of that extent and the impact they have had Other factors are explored as well such as countries who want to join the EU might aim for more legal harmonization between them and the EU These metrics are used to compare across the neighbourhood countries and draw conclusions about CJEU influence and impact outside of the EU This comprehensive edited collection is an in depth look at the actual impact of the CJEU in neighbourhood countries providing crucial information in an overlooked field of EU law

Article 47 of the EU Charter and Effective Judicial Protection, Volume 1 Matteo Bonelli, Mariolina Eliantonio, Giulia Gentile, 2022-12-15 This ambitious innovative project examines the principle of effective judicial protection in EU law over two volumes The principle of effective judicial protection is a cornerstone of the EU's judicial system and is reaffirmed in Article 47 of the Charter of Fundamental Rights of the European Union Since the 1980s the Court of Justice has used the principle to shape EU and national procedural rules more recently the principle has acquired an even more central role in the EU constitutional structure In this first volume an

expert team explores how the Court of Justice has interpreted the principle as expressed in particular by Article 47 of the Charter in selected policy areas and reflects on the impact of the principle on the EU's constitutional structure Addressing key questions such as legal certainty judicial independence and procedural autonomy this volume significantly adds to our understanding of judicial protection within the multi level EU judicial architecture The European Union and Health Services Reinhard Busse,Matthias Wismar,Philip C. Berman,2002 While most Member States Governments have assumed that they have full responsibility and control over their own health services it is becoming increasingly apparent that the Single European Market is having a substantial impact on health services Recent rulings by the European Court of Justice ECJ have in particular established the freedom of citizens to choose health care goods and services across borders To examine the actual relationship between the SEM and health services this book identifies SEM regulations and directives as well as ECJ decisions which explicitly refer to health services and which therefore have a potential impact on the purchasing supply and delivery of health services evaluates the impact of SEM regulations and ECJ decisions on the purchasing supply and delivery of health services identifies outcomes including both intended and unintended effects of the SEM on Member States health services and develops future scenarios exploring key issues identified in the earlier analysis and evaluation

Research Handbook on the Enforcement of EU Law Miroslava Scholten,2023-09-06 This comprehensive Research Handbook investigates the success of EU law enforcement processes Going beyond traditional analyses of administrations and courts in isolation it focuses on the increased cooperation seen between national and EU authorities and on the widening variety of means used to enhance compliance with EU norms **Public-Private Partnerships in European Union Law and Member States** Jugoslava Vojnovic,2023-11-25 This book investigates public private partnerships with special reference to the law of the European Union and the Member States It deals in detail with what public private partnerships are whether and how they are regulated and whether the concept carries meaning outside the regulatory framework Based on detailed analysis the author offers conclusions on how public private partnerships should develop and be regulated in practice and provides a solid basis including a comprehensive review of the relevant literature for further research This book will be important to researchers and students in political law and regulation as well as practitioners and policy makers Although the examples studied are from the European Union the conclusions will be applicable worldwide Joint Purchasing-framework for Competition Law Analysis & Mechanisms to Address Overly-broad Trademark Usage Bruce Kilpatrick,Pierre Kobel,2025-03-29 This volume of the LIDC contributions covers a competition law assessment of buying alliances as well as the topic of overbroad registrations and trademark clogging It contains a series of national reports prepared to assist the International Rapporteurs in reporting to the LIDC Congress in Gothenburg in September 2023 The first part focuses on how competition law assesses coordinated conduct by buyers such as joint purchasing buying alliances Different jurisdictions have taken a range of approaches to this issue and the reports summarise the current situation explore

the boundary between legitimate and infringing conduct and consider the extent to which further guidance from competition authorities and or courts is required in order to enable companies to distinguish clearly between legitimate and efficient conduct and infringements of competition law The conduct of buyers in their interactions with suppliers and markets when purchasing goods and services has recently come under increased scrutiny from a competition law perspective and guidance has been issued by the European Commission and by some national competition authorities At the same time there has been an increase in enforcement activity in the area of buyers cartels and purchase price fixing such as the Ethylene and Car Battery Recycling cases and this is explored in the reports The second part focuses on intellectual property and in particular what mechanisms exist to avoid over broad trademarks and address concerns that the trademark registers are clogged Academics practitioners and some regulators have raised concerns regarding potential for uncertainty regarding the scope of protection and increased costs for third parties wishing to register new trademarks The reports focus on the bad faith standard in the long running Sky v SkyKick case and the effectiveness of mechanisms to tackle this issue by preventing or removing overbroad trademarks and ensuring the integrity of the registration system

Integrated Sustainable Design of Buildings Paul Appleby, 2012-10-12 This book aims to provide a guide to members of design and masterplanning teams on how to deliver sustainable development and buildings cost effectively meeting current and emerging UK and international statutory and planning requirements The book sets out a clear and understandable strategy that deals with all aspects of sustainable design and construction and the implications for delivery costs saleability and long term operation The extensive scope includes all aspects of environmental social and economic sustainability including strategies to reduce carbon emissions and the impact of climate change

The School Food Revolution Kevin Morgan, Roberta Sonnino, 2013-06-17 The School Food Revolution is an important book that deserves success Journal of Organic Systems A great new book that describes how the humble school meal can be considered as a litmus test of government's political commitment to sustainable development Peter Riggs Director Forum on Democracy Trade The School Food Revolution should be an inspiration for policy makers and for school heads and school canteen operators Tom Vaclavik President Organic Retailers Association School food suddenly finds itself at the forefront of contemporary debates about healthy eating social inclusion ecological sustainability and local economic development All around the world it is becoming clear to experts parents educators practitioners and policy makers that the school food service has the potential to deliver multiple dividends that would significantly advance the sustainable development agenda at global national and local levels Drawing on new empirical data collected in urban and rural areas of Europe North America and Africa this book offers a timely and original contribution to the school food debate by highlighting the potential of creative public procurement the power of purchase The book takes a critical look at the alleged benefits of school food reform such as lower food miles the creation of markets for local producers and new food education initiatives that empower consumers by nurturing their capacity to eat healthily

To assess the potential of these claims the book compares a variety of sites involved in the school food revolution from rural communities committed to the values of the local to global cities such as London New York and Rome that feed millions of ethnically diverse young people daily The book also examines the UN s new school feeding programme the Home Grown Programme which sees nutritious food as an end in itself as well as a means to meeting the Millennium Development Goals Overall the book examines the theory policy and practice of public food provisioning offering a comparative perspective on the design and delivery of sustainable school food systems The cover illustration is by a Roman child The authors would like to thank the City of Rome Department for School and Educational Policies for permission to reproduce it

Precedents and Judicial Politics in EU Immigration Law Marie De Somer, 2018-07-27 This study explores the use of precedents in the case law of the Court of Justice of the European Union CJEU It argues that a strategic use of precedent based discourses aids the Court in developing its jurisprudence autonomously that is independent of the political preferences of EU member states The study is based on a long term assessment of CJEU case law in the politically sensitive area of immigration law It traces the Court s rulings in this area from the 1970s up until the most recent period The study identifies a series of consistent discursive patterns that slowly but surely moved EU immigration law beyond what member states had intended The work takes an interdisciplinary approach engaging with both political science and legal discussions on the Court of Justice and its role in processes of European integration

The System Made Me Do It Rasma Karklins, 2005-04-25 Strike up a conversation with a citizen from the post communist region and invariably the talk will turn to the topic of corruption the misuse of public power for private gain People are sure that corruption is widespread whether from their own experiences or stories they have heard from others They feel frustrated that there seems to be nothing they can do about it that they are helpless and that they are being played for fools And many are cynical they feel that they too have to play the game because the system compels them to do so But what system exactly What are the structures and mechanisms of corruption in post communist societies *The System Made Me Do It* is the first comprehensive study of the origin nature and consequences of corruption in post communist societies While international actors decry corruption as a major impediment to democracy building and economic development the problem is not well understood This book fills that gap and suggests innovative and practical institutional strategies for containing corruption It achieves a rare and perfect balance of disciplined analysis practicality and passion

Precedents and Case-Based Reasoning in the European Court of Justice Marc Jacob, 2014-03-20 Past cases are the European Court of Justice s most prominent tool in making and justifying the rulings and decisions which affect the everyday lives of more than half a billion people Marc Jacob s detailed analysis of the use of precedents and case based reasoning in the Court uses methods such as doctrinal scholarship empirical research institutional analysis comparative law and legal theory in order to unravel and critique the how and why of the Court s precedent technique In doing so he moves the wider debate beyond received common law versus civil law figments and

Eurosceptic versus Euromantic battle lines and also provides a useful blueprint for assessing and comparing the case law practices of other dispute resolution bodies

The Challenge of WTO Law Thomas Cottier, 2007

The Changing Postal and Delivery Sector Michael Crew, Pier Luigi Parcu, Timothy Brennan, 2017-01-20 This book addresses some of the major issues facing postal and delivery services throughout the world Postal operators worldwide have been slow to address the threats from and opportunities created by electronic competition The European Commission and member states are wrestling with these issues while at the same time continuing to deal with the interrelated issues of implementing entry into postal markets and maintaining the universal service obligation The Postal Accountability and Enhancement Act of 2006 in the U S exacerbated financial and managerial problems faced by USPS that result in part from electronic substitution for letter delivery Comprised of original essays by prominent researchers in the field this book addresses the new reality of the postal industry and proposes ways in which postal operators might reinvent themselves Issues discussed include cross border parcel delivery e commerce the transformation of postal networks and the effects of postal liberalization This book will be of interest to postal operators regulatory commissions consulting firms competitors and customers experts in the postal economics law and business and those charged with the responsibility for designing and implementing postal sector policies Researchers in regulatory economics transportation technology and industrial organization will also find useful information in this volume

Environmental Leadership Deborah Rigling Gallagher, 2012-09-19 This reference handbook tackles issues relevant to leadership in the realm of the environment and sustainability

Trade Policy Reforms in Latin America M. Lengyel, V. Ventura-Dias, 2003-12-19 This volume examines the interaction between private and public institutions in the trade policy making process of eight Latin American countries and trade bargaining in sub regional hemispheric and multilateral fora Faced with expanding trade agendas diversifying negotiation fora and an uncertain global economy each country has found its own niche in regional integration and global insertion providing a wealth of idiosyncratic and convergent policies

The DISAM Journal of International Security Assistance Management , 1998

State Aid Law of the European Union Herwig C. H. Hofmann, Claire Micheau, 2016-07-28 Rules controlling State aid and subsidies on the EU and the WTO level can have a decisive influence on both regulatory and distributive decision making This field of law has grown exponentially in importance and complexity over the past decades Rules on State aid and subsidies control are one of the key instruments to ensure that public spending and regulatory measures do not lead to discriminatory distortions of competition As a consequence hardly any part of national law is free from review under criteria of State aid and subsidy regulation In turn State aid and subsidies law is linked to economic constitutional administrative law of the EU and the Member States as well as to public international law This book brings together leading experts from academia the judiciary civil servants from the European Commission and practising lawyers to provide expert opinion and commentary on the diverse dimensions of the complex and vital area of law Critically analysing and explaining developments and current

approaches in State aid law and subsidies the chapters take into account not only the legal dimensions but also the economic and political implications They address the EU law applicable to State aid in the aftermath of the recent State Modernisation reform and coverage includes an in depth analysis of the notion of State aid as interpreted by the Court s cases law and the Commission s practice the rules on compatibility of State aid with the internal market the rules governing the procedure before the Commission the litigation before the Court of Justice of the European Union and analysis of the other trade defence instruments including WTO subsidy law and EU anti subsidy law

Supply Chains Ioannis Kostavelis,Dimitrios Folinas,Dimitrios Aidonis,Charisios Achillas,2024-10-22 This two volume set constitutes the refereed proceedings of the 5th Olympus International Conference ICSC 2024 held in Katerini Greece during May 24 26 2024 The 51 full papers in this volume were carefully reviewed and selected from a total of 92 submissions The primary objective of 5th Olympus ICSC is to offer an international platform for the presentation and publication of the latest scientific research findings in the field of Supply Chain Management This conference provides valuable opportunities for delegates to exchange innovative ideas establish research and business connections and foster global partnerships for potential collaborations We sincerely anticipate that this conference will significantly contribute to the advancement of knowledge in relevant scientific and academic domains

The European Union Ali El-Agraa,2007-08-09 The European Union provides a comprehensive introduction to the economics and policies of the EU

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