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Case law The

European Court of

Justice has issued a

large number of

decisions related to

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These rulings  
interpret the

Directives and

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impact the way in

which procurement

is conducted. In the

field of Green

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issued several

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important rulings.

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represents a

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important area of

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Gates v European

Commission. In this

case, the European

Commission,

commenced a

tendering

procedure, which



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led to the award of a public service contract with a view to

establishing a national food authority in Albania. Company A was part of a consortium which was awarded the contract.

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2018 Case Law  
Review - VWV  
Finally, as public  
procurement

tenderers may be  
said to accept the  
risk of withdrawal  
in a variety of  
circumstances (not  
least because they  
know of the broad  
discretion involved  
and the absence of  
any implied

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obligation on the  
contracting  
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authority to carry  
Regulation  
the award

procedure to its  
conclusion), Amey  
highlights that it is  
important for  
disappointed  
bidders to  
undertake a  
thorough analysis  
of the costs and  
likely merits of any

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claim when considering whether to challenge a decision in court.

Public procurement challenges: Update on recent cases ...

This case law relates to challenges to contract awards by the EU institutions/

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agencies/bodies and is based on procurement under the Financial Regulation. Special attention will be given to the recent case law of the Court of Justice of the EU (CJEU) in the field of procurement.

Recent

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## Developments in European Public Procurement Case Law And Regulation

...

The 2014 Directives codify EU case law and define "bodies governed by public law" as: "bodies that have all of the following characteristics: (a) they are

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established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) they have legal personality; and (c) they are financed, for the most part, by the State, regional, or local

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Procurement, or  
other bodies  
governed by public  
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law; or are subject  
to management  
supervision ...

Public Procurement  
2020 | EU Public  
Procurement Rules  
| ICLG  
EC Directives, are  
only subject to the  
EC primary rules



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and the general principles of EC law. Public procurement law is applicable even in the cases where a contracting authority is to conclude a contract for pecuniary interest with another entity which itself also qualifies as an

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Sep 05, 2020

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The European  
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Commission's  
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public procurement  
strategy focuses on  
six strategic policy  
priorities that were  
set out in the 2017  
communication  
'Making public  
procurement work  
in and for Europe' .  
It aims to improve  
EU public

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practices in a collaborative manner by working with public authorities and other stakeholders.

Public Procurement

- European

Commission

The over-riding

procurement policy

requirement is that

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all public  
procurement must  
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be based on value  
for money, defined  
as "the best mix of  
quality and  
effectiveness for  
the least outlay  
over the...

Public procurement  
policy - GOV.UK  
Reputational risk  
must factor into

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decision-making:  
As the guidance makes clear, under the law contracting authorities have options to enter into contracts with suppliers urgently, without following the usual requirements of public procurement regulation.

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procurement from  
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Introduction The  
Brexit transition  
period will end on  
31 December 2020  
and (as the law  
stands) cannot be  
extended beyond  
that date. Any  
potential trade  
agreement with the  
EU between now

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Procurement  
and then is  
increasingly  
unlikely to address  
public  
Regulation

procurement. As a  
result, preparations  
are being made to  
leave on a "no-  
deal" basis.

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– post Brexit |  
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intended in  
particular to ensure  
with regard to  
public procurement  
observance of the  
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transparency which  
constitute the

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procurement. A+  
A. According to

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the European  
Union (CJEU) case  
law and EC  
directives, the  
principle of  
proportionality and  
equal treatment  
must be observed  
when selecting  
contractors in  
public procurement  
proceedings.

Clearly, the Public

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and National  
Case Law And  
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have an obligation  
to evaluate public  
procurement  
proceedings in  
terms of these  
principles.

The principle of  
proportionality in  
public procurement

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Interesting

Norwegian case on  
public procurement  
of health and social  
services and  
alleged

discrimination of  
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against EU/EEA law  
(ESA 154/17/COL)

Dec 11, 2017 Dec  
7, 2017 CJEU

decision on EIB-

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procurement sheds  
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