

Course Title	Public Procurement Law				
Course Code	EL56				
Course Type	Compulsory				
Level	Master				
Year / Semester	2nd Semester				
Teacher's Name	Dr Panagiotis Degleris				
ECTS	10	Lectures / week	13	Laboratories / week	
Course Purpose and Objectives	<p>The aim of this course is to provide students with a clear understanding of the structure and the role of Public Procurement Law in the context of EU and national (Greek and Cypriot) legislation. Public Procurement Law is one of the most important areas of EU legislation, with direct application of primary law. The critical contribution of the ECJ case law will be explored and the new secondary EU law will be analyzed. The rules of procurement procedure, the applicable law at the phase of award, the legal protection (administrative and judicial), the operation of the “Authority for the examination of preliminary appeals” (“AEPP” - Greek remedies review body) and the operation of “Tenders Review Authority”, as well as core elements of the phases of performance and implementation of a public contract will be discussed.</p>				
Learning Outcomes	<p>A student who completes the course will:</p> <ul style="list-style-type: none"> • Demonstrate an understanding of the importance of public procurement in EU single internal market, as well as the notion and the categories of public contracts and the evolution of the relevant legislation (new Directives and concessions). • Apprehend the key role of ECJ's case law and of (substantive and procedural) EU Law in the field of Public Procurement Law. • Have in depth knowledge of the rules of Procurement Procedure, the rules of public contract award and the legal protection at the field of public contracts and the single and autonomous European procedure rules framework for Public Procurement. • Demonstrate an understanding of the operation of the “Authority for the examination of preliminary appeals (“AEPP” – Greek remedies review body)” and of “Tenders Review Authority” – of the Courts and 				

	particularly of the basis of judicial protection (effective and efficient judicial protection) in EU Legislation – in European “Community of Law”.		
Prerequisites	N/A	Required	N/A
Course Content	<p>1. EU Law and Public Procurement</p> <ul style="list-style-type: none"> Public contracts / Administrative contracts The importance of public procurement within the single market. The protection of free competition in public procurement (“opening up to competition”). <p>2. The secondary Law of Public Procurement.</p> <ul style="list-style-type: none"> Brief history- evolution of EU Public Procurement Law (1971 – present, secondary legislation). Direct application of primary law in Public Procurement. The contribution of ECJ to the development of the Public Procurement Law. The role of the national judge. <p>3. The new Directives 2014/24/EU – 2014/25/EU.</p> <ul style="list-style-type: none"> The new “general” Directive 2014/24/EU The Directive for “excluded” sectors 2014/25/EU Basic concepts (types-categories) – definitions Contracting authority - economic operator – burdensome - etc Minimum limits (“thresholds”- calculation methods). “Mixed” contracts. <p>Exclusions:</p> <p>Excluded from the scope:</p> <p>Defense – Security / “in house” / Contracts concluded between entities within the public sector – between contracting authorities.</p> <p>4. Concession contract – the new Directive 2014/23/EU.</p>		

	<p>Transposition of the new Directives into national legislation.</p> <ul style="list-style-type: none"> • Basic concepts/case law principles on concessions • Transposition of the new Directives into national (Greek and Cypriot) legislation of Public Procurement. (L.4412/2016, L.4413/2016 as amended and L.104/2010, L.11/2017, L. 173/2011, L. 140/2016 as amended respectively). • Governance - Publication, Central Electronic Public Procurement Registry ("KHMDHS"). <p>5. Contract conclusion procedure / Procurement procedure.</p> <ul style="list-style-type: none"> • Rules - general principles • Procedures (open procedure, restricted procedure, competitive procedure with negotiation, competitive dialogue, innovation partnerships, negotiated procedure without prior publication, framework agreements, dynamic purchasing systems, electronic auctions, electronic catalogues, central purchasing activities and central purchasing bodies). • Technical specifications - binding nature of European standards. • Selection criteria • Selection – grounds for exclusion • Environmental protection and sustainable development. • Award criteria <p>6. Specific issues of the procurement procedure.</p> <ul style="list-style-type: none"> • Reliance on the capacities of other entities – «borrowed experience» • Abnormally low tenders • Professional misconduct • Conflict of interest <p>7. Award of the contract – performance of the contract.</p> <ul style="list-style-type: none"> • Cancellation of the award / the principle that the final award is not mandatory. • General principles- relationship between contracting parties. • Subcontracting • Modification of the contract
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	<ul style="list-style-type: none"> • Termination of the contract <p>8. Public procurement inspection</p> <ul style="list-style-type: none"> • Fundamentals of effective judicial protection • “Ad hoc” ECJ case law <p>9. The Legal (administrative and judicial) protection at the contract award procedure.</p> <ul style="list-style-type: none"> • The «procedural» Directive 89/665/EEC. • The procedure of establishing a single and autonomous European «procedural» framework. <p>The establishment of three types of legal protection:</p> <ul style="list-style-type: none"> • Interim measures • Cancellation of illegal decisions. • Claim for compensation. <p>10. Establishment of the “Authority for the examination of preliminary appeals (“AEEP” Greek Remedies review body)” and of the “Tenders Review Authority”.</p> <ul style="list-style-type: none"> • Administrative protection • Review procedure before the Independent Authorities. • Basic rules • Time - limit – legitimate interest. • The principle of exercising the right once • The suspensive effect of the preliminary review and of its time-limit. • Fees <p>11. The judicial protection at the stage preceding the award of the contract.</p> <ul style="list-style-type: none"> • The «interim judicial protection» (Application for suspension - cancellation request). • Main Judicial Procedure
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	<ul style="list-style-type: none"> • Cancellation of the illegal act / the specific situation of an “ineffective” contract. • Compensation / its basis <p>12. The inspection of Public Procurement before the Institutions of the European Union</p> <ul style="list-style-type: none"> • Before the European Commission • Before the ECJ <p>13. Study week – final exam.</p>
Teaching Methodology	Lectures / Power Point presentations. Discussions – Problems solving
Bibliography	<ol style="list-style-type: none"> 1. Joint Declarations / European Parliament – Joint Declaration of the European Parliament, the Council and the European Commission on the Conference on the Future of Europe – Engaging with citizens for democracy – Building a more resilient Europe / 18.3.2021 / 2021 / C-91/1/01 2. Β. Σκουρή, Συνθήκη της Λισσαβώνας, Εκδ. Σάκκουλα Α.Ε, 2020 3. European Commission / Sustainable products initiative, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12567-Sustainable-products-initiative_en, September 2020 4. European Commission / Internal Market, Industry, Entrepreneurship and SMEs / Sustainable product policy & ecodesign, https://ec.europa.eu/growth/industry/sustainability/product-policy-and-ecodesign_en, 2020 5. Π. Δέγλερης, Οι Δημόσιες Συμβάσεις στην ενωσιακή έννομη τάξη – Η προσωρινή δικαστική προστασία – Η θεμελίωση και η νομολογία του Δ.Ε.Ε, Εκδ. Σάκκουλα Α.Ε, 2019 6. Ευαγγ. – Ελ. Κουλουμπίνη – Η. Μάζος – Ι. Κίτσος, Δημόσιες Συμβάσεις Ν. 4412 / 2016 – Νομολογιακή Προσέγγιση και Πρακτική Εφαρμογή, Εκδ. Νομική Βιβλιοθήκη, 2019 7. K.M. Halonen – R. Caranta – A. Graells, Transparency in EU Procurements / ISBN 978 17 8897 5667 Edward / www.e-elgar.com, 2019

	<p>8. European Commission / A European Green Deal / Striving to be the first climate – neutral continent, https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en, 2019</p> <p>9. Δ. Ράϊκος, Δίκαιο Δημοσίων Συμβάσεων, Εκδ. Σάκκουλα Α.Ε, 2019</p> <p>10.Κ. Γιαννακόπουλος, Δημόσιες συμβάσεις και συμβάσεις παραχώρησης. Μεγάλες αποφάσεις του Δικαστηρίου της Ευρωπαϊκής Ένωσης, Εκδ. Σάκκουλα Α.Ε, 2019</p> <p>11.C. Yannakopoulos, La déréglementation constitutionnelle en Europe, Sakkoulas Publications S.A, 2019</p> <p>12.Χρ. Δετσαρίδης, Η προδικαστική προσφυγή στο στάδιο ανάθεσης δημοσίων συμβάσεων, Εκδ. Σάκκουλα Α.Ε, 2019</p> <p>13.Michael Steinicke, Peter L. Vesterdorf, Brussels Commentary on EU Public Procurement Law, pub. C-H BECK – Hart – Nomos, 2019</p> <p>14.S. Arrowsmith, The law of Public and Utilities Procurement (3rd ed.), Vol. 2, Publ. Sweet & Maxwell, 2018.</p> <p>15.Β.Α Χριστιανός – Θ.Κ Πανάγος, Δημόσιες Συμβάσεις, Ερμηνεία κατ' άρθρο, Εκδ. Σάκκουλα Α.Ε, 2018</p> <p>16.European Commission / Public Procurement Guidance for Practitioners / on avoiding the most common errors in projects funded by the European Structural and Investment Funds, ISBN 978 92 79 77537 6, February 2018</p> <p>17.Επαμ. Σπηλιωτόπουλος, Εγχειρίδιο Διοικητικού Δικαίου (εκτενές κεφάλαιο για τις δημόσιες συμβάσεις), Εκδ. Νομική Βιβλιοθήκη, 2017</p> <p>18.Χρ. Μουκίου, Διαφάνεια, ακεραιότητα και εντιμότητα στις Δημόσιες Συμβάσεις, Εκδ. Νομική Βιβλιοθήκη, 2017</p> <p>19.European Commission / European Remedies Directives ensure fair play in EU Public Procurement / https://ec.europa.eu/info/index_en (published on 24.1.2017)</p> <p>20.European Commission / Brussels 24.1.2017 / COM (2017) 28 final / Report from the Commission to the European Parliament and the Council on the effectiveness of Directive 89/665/EEC and Directive 92/13/EEC, as modified by Directive 2007/66/EC, concerning review procedures in the area of Public Procurement</p> <p>21.Επιμ: Λ. Παπαδοπούλου – Ευγ. Πρεβεδούρου – Κ. Γώγος, Το Δικαστήριο της Ε.Ε εγγυητής της εύρυθμης λειτουργίας της Ευρωπαϊκής Ένωσης και των δικαιωμάτων των πολιτών, Εκδ. Σάκκουλα Α.Ε, 2016</p>
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	<p>22. Π. Δέγλερης, Το θεμελιώδες δικαίωμα στην αποτελεσματική (και πραγματική) προσωρινή δικαστική προστασία στις δημόσιες συμβάσεις σε περίοδο οικονομικής κρίσης – Το «παράδειγμα» της ακριβής δικαιοσύνης – μια αποκλίνουσα σχέση δικαίου & δικαιοσύνης, Εκδ. Σάκκουλα Α.Ε, 2016</p> <p>23. C. Bovis, Research Handbook on EU Public Procurement Law, ISBN 9781 78195 325 9 / Edward / www.e-elgar.com, 2016</p> <p>24. Β. Κάρμου - Π. Οικονόμου - Ε. Τροβά, Η κατασκευαστική διαιτησία, Εκδ. Σάκκουλα Α.Ε, 2016</p> <p>25. S. Arrowsmith, The law of Public and Utilities Procurement (3rd ed.), Vol. 1, Publ. Sweet & Maxwell, 2014</p> <p>26. Οι 3 νέες Οδηγίες από 18.4.2016:</p> <p>I. Directive 2014/24/EU on public procurement (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0024-20180101&locale=en)</p> <p>II. Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0025-20180101&locale=en)</p> <p>III. Directive 2014/23/EU on the award of concession contracts (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0023-20180101&locale=en)</p> <p>27. Π. Δέγλερης, Η προσωρινή δικαστική προστασία στις δημόσιες συμβάσεις – οι «οικονομικές» Οδηγίες 89/665 – 92/13 – 2007/66 και ο Ν. 3886/2010, Εκδ. Σάκκουλα Α.Ε, 2013</p> <p>28. Π. Δέγλερης, Η Διαφθορά και Δημόσιες Συμβάσεις, Εκδ. Νομική Βιβλιοθήκη, 2012</p> <p>29. Π. Δέγλερης, Δίκαιο Προμηθειών και Υπηρεσιών Δημοσίου – Επιλογή νομολογίας προσωρινής δικαστικής προστασίας (Ν. 2522/97) Σ.τ.Ε - Πρωτοδικείων – Δ.Ε.Κ, Τομ. II, Εκδ. Σάκκουλα Α.Ε, 2009</p>
Assessment	<p>Two online quiz 20%</p> <p>intermediate essay 20%</p> <p>Attendances 10%</p> <p>Final Exam 50%.</p>
Language	Greek