



European Academy
for Taxes, Economics & Law

Public Procurement Procedure - How to manage Public Contracts -

Seminar

15th and 16th June 2009, Berlin, Germany

Brochure

SEMINAR

BACKGROUND

Publicly owned companies, public authorities and suppliers of the EU Member States are obliged to apply the European public procurement regulation when purchasing goods, services and public works above the defined European thresholds. Even when announcing below the thresholds, they need to follow the EC Treaty principles of transparency and non-discrimination. All actors involved are forced to ensure transparent procedures and fair conditions of competitions for suppliers.

Public companies and authorities as well as their suppliers face a rather complex system of public procurement procedures. Although the European Commission endeavoured to simplify the public procurement procedures, the practice points to numerous problems, irregularities and cases of discrimination in the public procurement. Officials responsible for public procurement need to get familiar with the recent legal changes in the field of public procurement as well as to learn how to avoid the irregularities.

SEMINAR CONTENTS

The seminar focuses on EU legal framework on public procurement and on public procurement procedure. It will provide profound knowledge on the different procedures and will deal with practical issues in order to help delegates to comply with the rules whilst effectively managing the procurement process. Experienced experts present practical issues like including environmental and social consideration in the procurement process, pros and cons of framework agreements, contract management concessions, private-public partnerships and "in-house" practice. They will show good practices on how to avoid infringements, revisions and how to improve on transparent procedures.

YOUR BENEFIT

- You receive a comprehensive overview of the latest European legislation and revisions on public procurement and you understand how it affects your work
- You learn how to implement the current legislation and how to manage the procurement process within the rules
- You learn how to avoid the irregularities and infringements in public procurement
- You benefit from the experts' experience and advice on the most practical problem areas and on the common mistakes and pitfalls in public procurement practice

TEACHING METHODS

- Lectures
- Q & A – sessions and interactive discussions
- Rich course material and handouts

YOUR SPEAKERS

TARGET GROUPS

- All publicly owned companies and their suppliers
 - Transport and infrastructure sector
 - Utility companies in energy, water, waste etc.
 - Postal and logistic service sector
 - Public health
 - Educational sector
- Public authorities at national, regional, local level

ROBERT KRČ

Lawyer, Office for the Protection of the Competition, Czech Republic

Robert Krč is in charge of supervision of public contracts dealing with EU and Czech legislation at the Office for Protection of the Competition. In 2006 and 2007 he negotiated on behalf of the Czech Republic the revision of the Remedies Directives in the working group of the EU Council. Prior to this position, he worked as a bank officer responsible for international trade. He holds a Doctorate in Commercial Law.

SVEN-ERIC HARGESKOG

Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

Sven-Eric Hargeskog is senior adviser to the Swedish Government on public procurement related issues. He has been engaged in several EU Twinning Projects and OECD Projects since 2001. In 1998, he established the new co-ordination function in Sweden for government procurement with the scope to develop, co-ordinate and follow up the procurement within the Swedish state, aiming at increased efficiency. The task included responsibility for development of e-procurement to the Swedish state. He re-organized and re-established the National Agency for Services to Universities and University Colleges' Purchasing Department from a government authority into a consultancy agency in public procurement. Has a background in procurement since 30 years, almost half the time within the private sector. Within the Swedish Telecom he was responsible for strategic international purchasing for six years. The latest positions have been on different strategic levels within the state, currently focusing on methodology and policy for public innovation procurement.

JUAN PEDRO MARÍN-ARRESE

Director in SEPI, the Spanish State Holding Company for Publicly Owned Enterprises

Juan Pedro Marín-Arrese is responsible for Community issues within the Spanish State Holding Company for publicly owned enterprises. He chairs the Committee on Enterprises, Internal Market and Competition of the European Centre of Employers and Enterprises providing Public services (CEEP). He has been working as government official in the areas of international trade, balance of payments, monetary issues, financial markets and macroeconomic analysis for 30 years. He was also posted as Economic and Commercial Counsellor in Copenhagen, Brussels (EU) and Paris (OECD). He also worked in one Commission Cabinet dealing with economic matters.



PROGRAMME DAY 1

8.30-9.30

Registration and handout of workshop documents

9.30-9.35

Opening remarks from the European Academy for Taxes, Economics & Law

9.35-9.40

Welcome Note by the Chair:

Robert Krč, Lawyer, Office for the Protection of the Competition, Czech Republic

9.40-10.30

EU law in public contracts

- Legal framework
- Fundamentals principles
- Classical and Utilities Directives
- Definition of contracting authorities and entities
- Definition of public contract
- Excluded contracts

Robert Krč, Lawyer, Office for the Protection of the Competition, Czech Republic

10.30-10.50

How to Achieve Value for Money

- Purpose and background of the directives
- Conflicting interests
- Complementary actions

Sven-Eric Hargeskog, Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

10.50-11.00

Q&A

11.00-11.30

Coffee Break

11.30-12.15

EU law in public contracts II

- Thresholds
- Contract documentation
- Use of open, restricted and negotiated procedures and of competitive dialogue
- Publication of notices
- Criteria for qualitative selection
- Award of the contract
- Rules on public works concessions
- Rules governing design contests

Robert Krč, Lawyer, Office for the Protection of the Competition, Czech Republic

12.15-12.30

Q&A

12.30-14.00

Lunch Break

14.00-15.00

Remedies – Objectives of the New Regulation

- Legal framework
- Remedies Directives
- Implementation of the new Remedies Directive 66/2007

Robert Krč, Lawyer, Office for the Protection of the Competition, Czech Republic

15.00-15.15

Q&A

15.15-15.45

Coffee Break

15.45-16.45

Latest Developments in Public Procurement Field

- Underthreshold public contracts (EU legislation and European Court of Justice jurisprudence; national legislation)
- Regulation 1370/2007 on public passenger transport services by rail and by road (awarding procedures for the selection of operator of public passenger transport services)
- New Arms Procurement Directive

Robert Krč, Lawyer, Office for the Protection of the Competition, Czech Republic

16.45-17.00

Q&A

17.00

End of day 1

PROGRAMME DAY 2

9.00-9.05

Opening Note by the Chair:

Sven-Eric Hargeskog, Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

09.05-9.50

Environmental and Social Consideration in Procurement – Reaching the Sustainable Objectives

- What the EU Directives say
- Support from EU
- Important principles
- How far it is possible to go
- Important cases

Sven-Eric Hargeskog, Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

9.50-10.00

Q&A

10.00-10.30

Coffee Break

10.30-11.15

Framework Agreements

- Purpose of framework agreements
- Pros and cons
- Coordinated systems

Sven-Eric Hargeskog, Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

11.15-11.30

Q&A

11.30-11.50

Effective Contract Management

- Construction of the contract
- Follow up
- Handling of deviations
- Future development

Sven-Eric Hargeskog, Senior Procurement Adviser, Swedish Governmental Agency for Innovation Systems (VINOVA)

11.50-12.00

Q&A

12.00-13.30

Lunch Break

13.30-14.15

Concessions Based on Private-Public Partnerships Institutionalised Private Public Partnership

- The current Community guidelines based on Treaty principles
- New moves by the Commission: IPPP Communication
- Various ways to deal with concessions in national Law nowadays
- The current debate on a new Commission initiative
- The issues at stake and the possible solutions

Juan Pedro Marín-Arrese, Director, Spanish State Holding Company for Publicly Owned Enterprises (SEPI)

14.15-14.30

Q&A

14.30-15.00

Coffee Break

15.00-15.45

“In-House”: Theory and Practice

- The Teckal doctrine and its main developments
- The absence of a contract as the core principle
- The notion of control
- The requirement of the bulk of businesses undertaken for the awarding authority
- Is there a place for private partners? The case of passenger transport
- Can a practical approach to “in house” be envisaged?

Juan Pedro Marín-Arrese, Director, Spanish State Holding Company for Publicly Owned Enterprises (SEPI)

15.45-16.00

Q&A

16.00

End of workshop and hand-out of certificates



ORGANISATIONAL MATTERS

BOOKING

Fax: +49 (0)30 802080-250
E-mail: booking@euroacad.eu
Phone: +49 (0)30 802080-230

For online booking please visit
our internet site under:
www.euroacad.eu

BOOKING NUMBER

S-154

DATES OF EVENT

15th and 16th June 2009

EVENT PRICE

Early booking contingent until the 3rd of April 2009:

899,- Euro, excl. German VAT (19%)

Normal price from the 4th of April 2009:

949,- Euro, excl. German VAT (19%)

The above price covers the following:

- Training material documents printed
- Training material digital version
- Soft drinks and coffee/tea on both days
- Lunch on both days

EVENT LANGUAGE

The event language will be English.

EVENT LOCATION

Hotel Berlin, Berlin

Lützowplatz 17

10785 Berlin, Germany

Phone: +49 (0)30 2605-2700

Fax: +49 (0)30 2605-2716

E-mail: info@hotel-berlin.de

Internet: www.hotel-berlin.de

ROOM RESERVATION

Please contact the hotel directly and refer to the "European Academy for Taxes, Economics & Law" in order to benefit from a limited room contingent at a special price. Please book as soon as possible. Of course you can always look for an alternative hotel accommodation.

CONTACT

European Academy for Taxes, Economics & Law

Hausvogteiplatz 13, 10117 Berlin, Germany

Phone: +49 (0)30 802080-230

Fax: +49 (0)30 802080-250

E-Mail: info@euroacad.eu

Internet: www.euroacad.eu

Your contact persons for the programme:

Regina Lüning, M. Sc. econ.

Head of Marketing & Sales

Phone: +49 (0)30 802080-246

Fax: +49 (0)30 802080-259

E-mail: regina.luening@euroacad.eu

Ani Handziska

Conference Management

Phone.: +49 (0)30 802080-230

Fax: +49 (0)30 802080-259

E-mail: ani.handziska@euroacad.eu

CANCELLATION TERMS

Pre-payment of the fee is a condition for participation. The time of booking does not affect the cancellation regulations. Cancellations shall be in writing. For cancellations received four weeks prior to the event or earlier: a € 80,00 (excl. German VAT) administrative fee will be charged. The event fee will be reimbursed in full. For cancellations two to four weeks prior to the event the fee will be reimbursed at 50%, up to two weeks prior to the event or no-show: event fee will not be reimbursed. We reserve the right to change or cancel the event. In the event that the European Academy for Taxes, Economics & Law has to cancel or postpone an event, payments received will be reimbursed in full. We herewith inform you that we exclude the liability for any damages in connection with the event. Personal data provided by attendees (name, company/organisation) will be used during the organisation of the event and distributed to other attendees. With your signature, you agree that we can contact you by fax, email or telephone and that we can use and distribute the provided data in professional terms. If you do not agree, please delete the respective part(s) of the sentence(s) or contact us. You can withdraw your agreement at any point in time. This agreement shall be governed by German law, the courts of Berlin shall have exclusive jurisdiction.

(Programme is subject to alterations)

NOTE

Please note, you can register as many delegates as you wish (except, the event is fully booked). You only need to copy this formular for as many persons you wish.

European Academy for Taxes, Economics & Law
Brauner Klingenberg GmbH
Hausvogteiplatz 13
10117 Berlin / Germany



European Academy
for Taxes, Economics & Law

Phone.: +49 (0)30 802080-230
Fax: +49 (0)30 802080-250
E-mail: info@euroacad.eu
www.euroacad.eu

BOOKING

BOOKING NUMBER: S-154 (KB)

DATE: 15th AND 16th JUNE 2009, BERLIN

Herewith we register the following persons for the Seminar "Public Procurement Procedure – How to manage Public Contracts –":

Delegate 1

Mr. Ms.

First name _____ Last name _____ Phone _____

Department _____ Fax _____

Job position _____ E-mail _____

Your organisation _____

Street _____

Postcode / City _____

Country _____

Delegate 2

Mr. Ms.

First name _____ Last name _____ Phone _____

Department _____ Fax _____

Job position _____ E-mail _____

Your organisation _____

Street _____

Postcode / City _____

Country _____

Delegate 3

Mr. Ms.

First name _____ Last name _____ Phone _____

Department _____ Fax _____

Job position _____ E-mail _____

Your organisation _____

Street _____

Postcode / City _____

Country _____

Invoice organisation

To the attention of _____

Street _____ Phone _____

Postcode / City _____ Fax _____

Country _____ E-mail _____

In case of registration of more than one delegate - do you prefer: single invoice? collective invoice?

Place, Date

Authorised Signature / Stamp

Pre-payment of the fee is a condition for participation. The time of booking does not affect the cancellation regulations. Cancellations shall be in writing. For cancellations received four weeks prior to the event or earlier: a € 80,00 (excl. German VAT) administrative fee will be charged. The event fee will be reimbursed in full. For cancellations two to four weeks prior to the event the fee will be reimbursed at 50%, up to two weeks prior to the event or no-show: event fee will not be reimbursed. We reserve the right to change or cancel the event. In the event that the European Academy for Taxes, Economics & Law has to cancel or postpone an event, payments received will be reimbursed in full. We herewith inform you that we exclude the liability for any damages in connection with the event. Personal data provided by attendees (name, company/organisation) will be used during the organisation of the event and distributed to other attendees. With your signature, you agree that we can contact you by fax, email or telephone and that we can use and distribute the provided data in professional terms. If you do not agree, please delete the respective part(s) of the sentence(s) or contact us. You can withdraw your agreement at any point in time. This agreement shall be governed by German law, the courts of Berlin shall have exclusive jurisdiction.