



# PUBLIC PROCUREMENT: Global Revolution V

9th - 10th September 2010  
University of Copenhagen, Denmark

A two-day international conference on public procurement regulation  
- organised jointly with University of Nottingham, UK

**Public Procurement: Global Revolution V** is part of a successful series of conferences on the “Global Revolution” theme. Public Procurement: Global Revolution V brings together over 60 recognized speakers from over 30 different countries and representatives from most of the major international institutions working in public procurement. The conference provides you with the chance to learn from in-depth discussions and new research on current issues within procurement regulation, and a unique chance to network with senior professionals and academics at a high profile event.

## Conference programme directors:

- Prof. Steen Treumer, Professor of Public Procurement Law, Faculty of Law, University of Copenhagen.
- Prof. Sue Arrowsmith, Professor of Public Procurement Law, University of Nottingham; CIPS Foundation Professor.



The Global Revolution conference has been funded through the **European Commission's Asia Link Programme**, as part of the project for an EU-Asia Inter-university Network for Teaching & Research in Public Procurement Regulation. The project consortium is led by the University of Nottingham (UK); other consortium members are University of Copenhagen (Denmark), Copenhagen Business School (Denmark), Central University of Finance and Economics (China), University of Malaysia (Malaysia) and Xinjiang University of Finance and Economics (China).

UNIVERSITY OF  
COPENHAGEN



The University of  
Nottingham



Copenhagen  
Business School  
HANDELSHØJSKOLEN



中央财经大学  
Central University of Finance and Economics



UNIVERSITY  
OF MALAYA  
The Leader in Research & Innovation



# GLOBAL REVOLUTION V

Public Procurement: Global Revolution V

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A two-day international conference on public procurement regulation

## Conference themes:

- Key issues and developments in EU public procurement.
- Procurement regulation in the 21st century: challenges and issues for practitioners in the developed and developing worlds.
- Globalisation and harmonisation in public procurement regulation.
- Procurement practice and academia: the role of universities in procurement education and reform.

## The conference includes speakers from:

- European Commission
- WTO
- World Bank
- Asian Development Bank
- UNCITRAL
- OECD and SIGMA
- Europol
- CIPS
- COMESA

Global Revolution V and the conference organisers are sponsored by:

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# DAY 1 // THURSDAY 9TH SEPTEMBER 2010

The workshops are organized in tracks and workshops given the same number run at the same time. Participants choose freely among the workshops, regardless of the track, but only one workshop per number. Participants receive full documentation for all workshops.

09:05 – 10:20	<b>Plenary session:</b> Overview of current work on public procurement		
	<b>Presentations by representatives:</b> WTO procurement • UNCITRAL • OECD and SIGMA • World Bank • Asian Development Bank • European Commission • COMESA		
	All workshops directed by Sue Arrowsmith and Steen Treumer unless otherwise stated		
10:20 – 11:30	Workshops no. 1		
<b>WORKSHOP TRACK A:</b> Developments in EU Procurement	<b>WORKSHOP TRACK B: Procurement Regulation in the 21st century</b>	<b>WORKSHOP TRACK C:</b> Globalisation and Harmonisation	
<b>WORKSHOP A1</b> Implementation and application of competitive dialogue <ul style="list-style-type: none"> <li>Use of competitive dialogue in the EU: an analysis from the Official Journal</li> <li>Implementation in the UK; key legal issues</li> <li>Implementation in the UK: the practical experience</li> <li>Implementation and experiences with competitive dialogue in Poland</li> </ul>	<b>WORKSHOP B1</b> Remedies systems <ul style="list-style-type: none"> <li>Design of remedies systems</li> <li>Enforcement of procurement law in China – challenges and possible solutions</li> <li>Enforcement of procurement law from a Southern African perspective</li> </ul>	<b>WORKSHOP C1</b> The GPA – coverage and accession: general issues <ul style="list-style-type: none"> <li>Coverage of the GPA: gaps and challenges for the future</li> <li>Accession: current prospects, procedural issues, costs and benefits</li> </ul>	
11:30 – 11:50	Refreshments		
11:50 – 13:00	Workshops no. 2		
<b>WORKSHOP A2</b> Implementation and application of the new competitive dialogue, continued <ul style="list-style-type: none"> <li>Implementation of competitive dialogue - Danish legislation and case law: the experience so far</li> <li>Spain and Portugal: law and practice</li> <li>Experience in Germany</li> <li>Experience in Italy</li> </ul>	<b>WORKSHOP B2</b> Interim measures <ul style="list-style-type: none"> <li>Interim measures in selected Member States of the EU</li> <li>The Romanian experience with interim measures and automatic suspension</li> <li>Interim measures – a developing country perspective</li> <li>Interim measures: Danish experiences</li> </ul>	<b>WORKSHOP C2</b> The Accession of China and India to the GPA Interim measures in selected Member States of the EU <ul style="list-style-type: none"> <li>Discussion by panel including key national policy makers and WTO officials</li> <li>Audience discussion</li> </ul>	
13:00 – 14:15	Lunch		
14:15 – 15:30	Workshops no. 3		
<b>WORKSHOP A3</b> Competitive dialogue: discussion of key <ul style="list-style-type: none"> <li>Panel remarks and audience discussion</li> </ul> <p>In this session there will be general audience discussion of key issues in competitive dialogue arising from the presentations.</p>	<b>WORKSHOP B3</b> Approaches to penalit <ul style="list-style-type: none"> <li>Approaches to penalties in selected Member States</li> <li>A country's existing experience with penalties: the Norwegian experience</li> </ul>	<b>WORKSHOP C3</b> Current issues for the GPA <ul style="list-style-type: none"> <li>Special and Differential Treatment and other special measures for developing countries under the GPA: the current text and new provisions</li> <li>Regionalism/multilateralism debate in the area of public procurement</li> </ul>	
15:30 – 15:50	Refreshments		
15:50 – 17:00	Workshops no. 4		
<b>WORKSHOP A4</b> Treaty obligations for contracts outside the public procurement directives Panel remarks and audience discussion <ul style="list-style-type: none"> <li>Scope of the Treaty requirements: which arrangements are covered?</li> <li>Practical requirements arising from the Treaty principles: advertising, procedures and remedies</li> <li>The Regulation of Contracts below the EU Thresholds and in Areas not Covered by the Detailed Rules in the EU Directives</li> </ul>	<b>WORKSHOP B4</b> Ineffectiveness of contracts under the new Remedies Directive <ul style="list-style-type: none"> <li>The German perspective: The EU rules and Member State Practice</li> <li>The French perspective</li> <li>The UK perspective</li> <li>The Danish perspective</li> <li>The Lithuanian perspective</li> </ul>	<b>WORKSHOP C4</b> International procurement rules in times of crisis <ul style="list-style-type: none"> <li>Implications of the global financial crisis for the GPA and FTAs</li> <li>Sale of contracts after bankruptcy from an EU perspective</li> </ul>	
19:00	Conference Dinner		

# DAY 2 // FRIDAY 10TH SEPTEMBER 2010

09:00 – 10:00	Plenary session: Higher education and academic resources for public procurement regulation		
	Topics: Public procurement teaching in universities • Translations, texts, and other resources developed under the Asia Link programme • The global Procurement Law Academic Network (PLAN) and bibliographies on procurement regulation • Collaboration between universities and the professions • Developing collaboration between law and other disciplines		
10:00 – 11:20	Workshops no. 5		
WORKSHOP TRACK A: Developments in EU Procurement	WORKSHOP TRACK B: Procurement Regulation in the 21st century	WORKSHOP TRACK D: Public procurement regulation and higher education	
<b>WORKSHOP A5</b> In-house procurement as a limit on the scope of the EC procurement rules <ul style="list-style-type: none"> <li>Experiences and approaches to in-house procurement in the Member States</li> <li>Recent developments in the case law of the ECJ on in-house procurement</li> <li>In-house procurement from the point of view of a practitioner</li> </ul>	<b>WORKSHOP B5</b> The interplay between public procurement law and competition law: the example of the EC Design of remedies systems <ul style="list-style-type: none"> <li>Competition law against private restraints in the public procurement field: bid-rigging</li> <li>Competition law against public restraints in the public procurement field: importing competition considerations into the EC public procurement Directives</li> </ul>	<b>WORKSHOP D5</b> Panel discussion and audience discussion: <ul style="list-style-type: none"> <li>Teaching of public procurement regulation in universities</li> <li>Development of the global Procurement Law Academic Network (PLAN)</li> <li>The relationship between higher education and the procurement professions</li> <li>Developing collaboration between law and other disciplines</li> </ul>	
11:20 – 11:40	Refreshments		
11:40 – 13:00	Workshops no. 6		
<b>WORKSHOP A6</b> Initiatives in opening up EU defence procurement: the new Defence Procurement Directive and the work of the European Defence Agency <ul style="list-style-type: none"> <li>An analysis of the main aspects of the new Defence procurement Directive</li> <li>Risk of offsets and preventive mechanisms</li> <li>Security (non Defence) Procurement in the Light of the New Directive</li> </ul>	<b>WORKSHOP B6</b> Procurement of Public-Private Partnership arrangements <ul style="list-style-type: none"> <li>Procurement of PPPs in a comparative perspective</li> <li>PPP in the straitjacket of the EC public procurement rules</li> <li>Procurement of PPPs: a perspective from South Africa</li> </ul>	<b>WORKSHOP TRACK C:</b> Globalisation and Harmonisation  <b>WORKSHOP C6</b> Regional regimes, globalisation and harmonisation in the developing world: Part I <ul style="list-style-type: none"> <li>Harmonisation and market opening under the COMESA regime - a perspective from Africa</li> <li>The influence of national and international regimes on the procurement systems of southern Africa</li> </ul>	
13:00 – 14:00	Lunch		
14:00	Group photograph		
14:15 – 15:30	Workshops no. 7		
<b>WORKSHOP A7</b> Selection and award criteria in the case law of the ECJ <ul style="list-style-type: none"> <li>The distinction between selection and award criteria following the ECJ ruling in Lianakis</li> <li>Awarding complex contracts using "agile" approaches</li> <li>Conflicting Swedish approaches to the distinction between selection and award criteria</li> <li>Disclosure of award criteria</li> </ul>	<b>WORKSHOP B7</b> Self-cleaning as a limit on debarment from procurement for corruption and other crimes <ul style="list-style-type: none"> <li>The EC rules and Member State practice</li> <li>Implementing a compliance system – a contractor's perspective</li> <li>A regulator's perspective</li> <li>Self-cleaning to avoid Debarment: The US Perspective and Practice</li> </ul>	<b>WORKSHOP C7</b> Regional regimes, globalisation and harmonisation in the developing world: Part II <ul style="list-style-type: none"> <li>Procurement of consultancy services and the harmonisation of development bank guidelines</li> <li>Public procurement reform in Lebanon: progress and perspectives</li> </ul>	
15:30 – 15:50	Refreshments		
15:50 – 17:00	Workshops no. 8		
<b>WORKSHOP A8</b> Changes to concluded contracts since the Priesse-text-case <ul style="list-style-type: none"> <li>The theory and practice of post contract award changes including changes to the contract and contractor changes (workshop with two presentations)</li> </ul>	<b>WORKSHOP B8</b> New tools and initiatives for sustainability in public procurement and the implications of public procurement rules <ul style="list-style-type: none"> <li>New practical tools and initiatives for implementing sustainability in the public procurement process</li> <li>Law and practice in selected Member States of the EU on Green and Social Public Procurement</li> </ul>	<b>WORKSHOP C8</b> Use of country procurement systems by the development banks <ul style="list-style-type: none"> <li>Use of Country Procurement Systems</li> <li>Lessons learned from the World Bank's pilot of use of country systems in bank-financed procurement</li> </ul>	

# CONFERENCE SPEAKERS

- Jamal Abadeh, OMSAR, Lebanon
- Robert Anderson, Intellectual Property Division, WTO
- Joel Arnould, Administrative Court of Lyon, France
- Prof. Sue Arrowsmith, University of Nottingham, UK
- Peter Bennett, OECD/SIGMA
- Roger Bickerstaff, Bird and Bird, UK
- Prof. Phoebe Bolton, Stellenbosch University, South Africa
- Prof. Martin Burgi, University of Bochum, Germany
- Michael Burnett, European Institute of Public Administration, Netherlands
- Prof. Roberto Caranta, University of Turin, Italy
- Assistant prof. Dario Casalini, University of Turin, Italy
- Gerard Chick, CIPS
- Prof. Mario Comba, University of Turin, Italy
- Francisco Vilhena da Cunha, Technology and Higher Education, Portugal
- Jonathan Davey, Addleshaw Goddard, UK
- Martin Dittmer, Gorissen Federspiel, Denmark
- Prof. Jens Fejø, Copenhagen Business School, Denmark
- Serban Filipon, University of Nottingham, UK
- Michael Fruhmann, Austrian Federal Chancellery
- Dr. Aris Georgopoulos, University of Nottingham, UK
- Arnhild Dordi Gjønnes, NHO, Norway
- Dr. Anna Gorczynska, University of Lodz, Poland
- Alan Gourley, Crowell and Moring, UK
- Albert Sánchez Graells, UP Comillas – ICADE, Spain
- Rob Hann, Legal Services Local Partnerships LLP, UK
- Carina Risvig Hansen, Copenhagen Business School, Denmark
- Simon Evers Kalsmose-Hjelmborg, Bech Bruun, Denmark
- Tom Holsøe, Kammeradvokaten, Law Firm Poul Schmith, Denmark
- Stephen Karangizi, COMESA
- Ciara Kennedy-Loest, Hogan Lovells (invited)
- Dr. Sangeeta Khorana, Aberystwyth University, UK
- Totis Kotsonis, Norton Rose, London, UK
- Prof. em. Kai Krüger, Bergen, Norway
- Prof. François Lichère, University of Aix-Marseille III, France
- Prof. John Linarelli, University of La Verne College of Law, USA
- Sylvia de Mars, University of Nottingham, UK
- Colin Maund, Achilles Group, UK
- Caroline Nicholas, UNCITRAL
- René Offersen, LETT Law Firm, Denmark
- Kodjo Osei-Lah, WTO
- Elisabetta Piselli, The World Bank
- Nicolas Pourbaix, Hogan Lovells (invited)
- Hans-Joachim Priess, Freshfields Bruckhuas Deringer, Germany
- Prof. Geo Quinot, Stellenbosch University, South Africa
- Prof. Gabriella M. Racca, University of Turin, Italy
- Hamid Sharif, Principal Director, Central Operations Services, Asian Development Bank
- Dr. Deividas Soloveicikas, Vilnius University, Lithuania
- Andrea Sundstrand, University of Stockholm, Sweden
- Joanna Szychowska, European Commission (invited)
- Joanne Teal, Europol
- Prof. Jan Telgen, University of Twente, Netherlands
- Prof. Pedro Telles, University of Nottingham, UK
- William Timmermans, Altius, Belgium
- Peter Trepte, Littleton Chambers, UK
- Prof. Steen Treumer, University of Copenhagen, Denmark
- Prof. Martin Trybus, University of Birmingham, UK
- Associate prof. Christina Tvarnø, Copenhagen Business School, Denmark
- Sandeep Verma, IAS Commissioner, IGNP, India
- Dr. Ping Wang, University of Nottingham, UK
- Kurt Weltzien, NHO, Norway
- Sope Williams-Elegbe, University of Nottingham, UK
- Associate prof. Xinglin Zhang, Dongbei University of Finance and Economics, China
- Prof. Shaoyu Zheng, Academy of Equipment Command and Technology, China

# INFORMATION

## Public Procurement: Global Revolution IV in Nottingham

The conference Public Procurement: Global Revolution IV, held on 19th - 20th April 2010, was all set to be the biggest and best event yet in the Global Revolution series of conferences, with a full-house of 300 delegates and speakers coming from more than 40 countries and five continents. But a volcano in Iceland had other ideas! In the end, around 100 speakers and delegates made it to Nottingham, and the decision was made to do a re-run in Copenhagen.

### The Venue

Radisson Blu Scandinavia Hotel. For further information please visit the conference website, [www.jura.ku.dk/globalrev5](http://www.jura.ku.dk/globalrev5)

### Conference fee

General rate: € 545 EUR  
Special academic rate: € 245 EUR  
Conference dinner: 50 EUR

For further specifications please visit the conference website: [www.jura.ku.dk/globalrev5](http://www.jura.ku.dk/globalrev5)

### Registration

Note that this event has limited capacity and the previous conferences have all sold out. Thus early booking is strongly advised if you wish to secure a place. Please book online by visiting: [www.jura.ku.dk/globalrev5](http://www.jura.ku.dk/globalrev5)

### Travel directions and accommodation

For further specifications please visit the conference website: [www.jura.ku.dk/globalrev5](http://www.jura.ku.dk/globalrev5)

### Continuing Professional Development (CPD)

Attendance at this conference qualifies you for 14 lessons by Danish standards.

### University of Copenhagen

University of Copenhagen is the largest institution of research and education in Denmark with over 37,000 students and more than 7,000 employees. The diversity of academic environments and scientific approaches is the University of Copenhagen's distinguishing feature and strength. Within the shared framework, the

University is divided into eight academic fields referred to as faculties. The Faculty of Law is one of the 8 faculties, and this faculty holds a position as one of the leading research and educational environments in the Nordic region. Read more about the Faculty of Law: [www.jura.ku.dk/english/](http://www.jura.ku.dk/english/)

### The City of Copenhagen

Like no other city Copenhagen has succeeded in blending the old with the modern. From the delightful 17th century Dutch-style town houses that line the quay at Nyhavn to the dynamic modern extensions of venerable old buildings. Read more about Copenhagen and what to see at: [www.visitcopenhagen.com](http://www.visitcopenhagen.com)

### Questions on the conference please contact:

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