

## **How to Write a Book Review (for the Public Procurement Law Review)**

Martin Trybus

### **1. Introduction**

Reviews should be between 1,000 and 2,000 words in length and written in English. Books to be reviewed can be on public procurement law, on the economics of public procurement or on political issues of public procurement. They may also be on the law of the European Union or international trade law.

### **2. Heading**

The heading of a book review has the following structure: the full title of the book, the name of the author -if it is an edited book the name has to be followed by "(editor)", the series (if any), publisher, seat(s) of the publisher, year of publication, ISBN number, number of pages, price. If the item to be reviewed is not a book the author should give all the information available. For a journal this could be: name, editor(s), publisher, seat of the publisher, ISSN number, frequency of publication, subscription price per year.

Examples:

European Defence Procurement Law: International and National Procurement Systems as Models for a Liberalised Defence Procurement Market in Europe, by Martin Trybus (European Monographs 21, Kluwer Law International: Boston/London/The Hague, 1999, hardbound, ISBN: 90-411-1167-0, 312 pages, £ 58.00, US\$ 99.00, NLG 165.00)

Public Procurement Law Review, editor: Professor Sue Arrowsmith, assistant editors: Adrian Brown and Professor Peter Kunzlik (Sweet & Maxwell: London, ISSN: 0963 8245, six issues a year, subscription £ 200.00 post free)

### **3. Structure**

(Examples are taken from a review of José M. Fernández Martín's book "The EC Public Procurement Rules: A Critical Analysis" written by Martin Trybus in [1996] 55 Cambridge Law Journal 640). Reviews should be adapted to the readership of the PPLR. Therefore long explanations on public procurement law would be superfluous. Therefore they should not have the following introduction:

"The term public procurement refers to the purchasing by governments and local authorities of the works, goods and services they need to operate - ranging from simple office items to sophisticated high-tech equipment. The European public procurement market has a share of about 15 % of the national economies in the European average (20% in the United Kingdom) and is therefore an important part of international trade. Public Procurement is regulated in the Works Contracts Directive 93/37/EC, Supply Contracts Directive 93/36/EC, Services Contracts Directive 92/50/EC, Public Sector Remedies Directive 89/665/EEC, Utilities Directive 92/38/EEC, and the Utilities Remedies Directive 92/13/EC. These directives regulate (in short) publication of future contracts, award procedures, award criteria, enforcement measures and other measures to ensure a competitive bidding process. The regime was mainly influenced by the French system with a limited influence of the German system."

The review should begin by introducing the topic and objective of the book. For example:

"As the title "The EC Public Procurement Rules: A Critical Analysis" indicates, José M. Fernández Martín's new book attempts to evaluate the theory and practice of the EC regulation of government contracts. The question on the quality of these measures as an effective legal framework to achieve competition in government and utilities contracting is the main object of his work."

Second, the method of the author to pursue that objective has to be explained in some detail. Bibliographical notes on the author should only be used if they are of relevance to the book. For example:

"The book is based on the author's Ph.D.-thesis at the European University Institute in Florence. Following the academic credo of this distinguished institution, the author uses the chapters 2 and 3 to put the EC public procurement rules into their social, economic, political and historical context. The origins of the rules are examined and the economic objectives such as competition in order to achieve better value for money are analysed. Moreover the political background including the fight against corruption and nepotism is put under scrutiny. In the second and main part Fernández Martín deals with the effectiveness or ineffectiveness of the rules as regards to their political and economic objectives. He does that by differentiating between the implementation, application and enforcement levels of the rules. On the enforcement level the European Commission's centralised enforcement, the Community system as well as the effective judicial protection of individual community rights and the Public Sector Remedies Directive are analysed in special chapters. Furthermore the implementation of this Directive in France and Spain as well as in the United Kingdom and Germany is examined."

The next step is a short presentation of the results the author achieved by using his or her method to pursue his or her objective. Conclusions and proposals need to be examined. Very often this will be the main part of the review. For example:

"Fernández Martín's analysis leads to many results about the quality of the public procurement regime of the European Union as an effective legal framework to address the problems involved. The underlying result is that the EC public procurement rules have to be considered a failure. According to the author the public procurement policy of the Community has to be revisited and the 1996 Intergovernmental Conference is a good opportunity to address the issues. The failure of the rules is due to many reasons that are explained by in great detail. One important reason being that the market structure for many goods had not been taken into account when drafting the directives. This market structure makes regular "off the shelf" supplies for example much less interesting for a common regime than high-technology goods. Another reason is the fact that different national legal traditions in the area of government contract regulation had not been sufficiently evaluated with the result that the "Latin continental-treatment of contracts" (page 287) inspired by the French system overrode the less regulatory approach for example in Britain. Fernández Martín is of the opinion, that a revised regime should be drafted based on the principle of subsidiarity. This principle is also the basis for the author's proposals for a more efficient public procurement regime for Europe: such a regime should concentrate on the liberalisation of contracts of a European interest. As the non-functioning of the regime in certain levels is due to the market structure, the future Community legislation should focus on certain sectors - the major works contracts and the high-technology supply contracts. Because legislation is useful and necessary on these levels, special emphasis should be laid on them. Due to these proposals the "critical analysis" is a constructive one."

Finally the author of the review should comment on the book. Did the author choose a useful objective? Did he or she choose the appropriate method to pursue that objective? Was the method correctly applied? Did the author achieve any results? Is the book a useful and substantial contribution to the debate on the subject matter? Is it a useful source for future academic writing in the area, etc.

"A remarkable feature of the book is the wide basis of materials and other sources that are the basis of the author's examinations and conclusions: a feature that can be seen in the wealth of the footnotes. Literature, cases and other materials from almost all Member States of the European Union and the United States are used and this alone will make the work an indispensable source for references. It represents a thorough analysis of the problems involved and presents convincing conclusions"

The reviewer should make clear whether he can recommend the book to the reader. It should also be explained why the reviewer can or cannot recommend the book. The prospective readership should be taken into account. Comments may include style, vocabulary, etc.

"It is however not only a book for specialists in the field of public procurement (who are a constantly growing community). The reader is introduced to all the problem fields and even those without any knowledge in the area will find Fernández Martín's work a useful read. For the mentioned specialist in

the field however, "The EC Public Procurement Rules: A Critical Analysis" represents essential reading. It is clearly arranged, accessible and written in a good style."

If the reviewer is really convinced about the quality and importance of the book he might end the review by paying the author a compliment. For example:

"To make an end, it is not surprising that the Ph.D. - thesis this work is based on passed with Distinction."

#### 4. "Signature"

The reviewer should write his name under the review. He or she may add her institution or business affiliation. For example:

"MARTIN TRYBUS  
School of Law, University of Nottingham"

For a review of a journal see Martin Trybus, Review of "VergabeRecht - Zeitschrift für Öffentliche und Private Beschaffung", (1997) PPLR 138-139.