

**PUBLIC PROCUREMENT: GLOBAL REVOLUTION IV
19-20 April 2010**

A 2-day international conference on public procurement regulation

University of Nottingham Jubilee Campus Conference Centre

Conference organised by University of Nottingham and University of Copenhagen

Programme Directors:

Professor Sue Arrowsmith, Professor of Public Procurement Law, University of Nottingham

Professor Steen Treumer, Professor of Public Procurement Law, University of Copenhagen

Programme

DAY 1 Monday 19th April

08.45 Opening address – Professor David Greenaway, Vice-Chancellor, University of Nottingham

08.55 Introduction from the Chair, Professor Sue Arrowsmith, Professor of Public Procurement Law, PPRG, University of Nottingham, UK

09.05 - 10.20 Plenary session: Overview of current work on public procurement

09.05	WTO procurement – Robert Anderson, Counsellor, Intellectual Property Division, WTO
09.15	UNCITRAL: the review of the Model Law and other initiatives – Caroline Nicholas, UNCITRAL
09.25	OECD and SIGMA – Peter Bennett, Senior Advisor, OECD/SIGMA
09.35	World Bank – Robert Hunja, World Bank Institute
09.45	Asian Development Bank – Hamid Sharif, Principal Director, Central Operations Services Office, Asian Development Bank (ADB)
09.55	EU procurement – Diane de Marliave, European Commission
10.05	COMESA – Stephen Karangizi, COMESA

All workshops directed by Sue Arrowsmith and Steen Treumer unless otherwise stated

10.20 - 11.30 Workshops number 1

<p>Workshop Stream A: Developments in EU Procurement</p> <p>Workshop A1 Director: Sue Arrowsmith Implementation and application of competitive dialogue I</p> <ul style="list-style-type: none"> Use of competitive dialogue in the EU: an analysis from the Official Journal Sylvia de Mars and Richard Craven, PhD candidates, PPRG, University of Nottingham, UK Implementation in the UK; key legal issues Professor Sue Arrowsmith, Professor of Public Procurement Law, PPRG, University of Nottingham, UK Implementation in the UK: the practical experience Rob Hann, Director, Legal Services Local Partnerships LLP 	<p>Workshop Stream B: Procurement Regulation in the 21st Century</p> <p>Workshop B1 Chair: Fred Kan Remedies systems</p> <ul style="list-style-type: none"> Design of remedies systems Peter Trepte, Company Law and European Group, Littleton Chambers and PPRG, University of Nottingham Enforcement of procurement law in China – challenges and possible solutions Xinglin Zhang, Associate Professor, Dongbei University of Finance and Economics, China Enforcement of procurement law from a Southern African perspective Professor Geo Quinot, Stellenbosch University, South Africa 	<p>Workshop Stream C: Globalisation and Harmonisation</p> <p>Workshop C1 The GPA – coverage and accession: general issues</p> <ul style="list-style-type: none"> Coverage of the GPA: gaps and challenges for the future Robert Anderson, Counsellor, Intellectual Property Division, WTO Accession: current prospects, procedural issues, costs and benefits Kodjo Osei-Lah, WTO Benefits of GPA accession for developing countries: the Case of Chinese Taipei Changfa Lo, Taiwan National University, Chinese Taipei
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11.30-11.50 Refreshments

11.50 - 13.00 Workshops number 2

<p>Workshop A2 Director: Sue Arrowsmith Implementation and application of the new competitive dialogue, continued</p> <ul style="list-style-type: none"> Implementation of competitive dialogue - Danish legislation and case law: the experience so far Professor Steen Treumer, Professor of Public Procurement Law, University of Copenhagen, Denmark Spain and Portugal: law and practice Pedro Telles, PPRG, University of Nottingham, UK Experience in Poland Anna Gorczynska, Faculty of Law and Administration, University of Lodz, Poland Experience in Germany Professor Martin Burgi, Research Institute for Modernisation of Administrative Law and 	<p>Workshop B2 Interim measures</p> <ul style="list-style-type: none"> Interim measures in selected Member States of the EU Professor Roberto Caranta, Law Faculty, University of Turin, Italy The Romanian experience with interim measures and automatic suspension Serban Filipon, PPRG, University of Nottingham, UK Interim measures – a developing country perspective Robert Hunja, World Bank 	<p>Workshop C2 Director: Ping Wang, University of Nottingham The Accession of China to the GPA</p> <ul style="list-style-type: none"> Discussion by panel including key national policy makers and WTO officials Audience discussion <p>Panel: Dr. Ping Wang, PPRG, University of Nottingham</p> <p>Robert Anderson, Counsellor, Intellectual Property Division, WTO</p> <p>Professor Cao Fuguo, Central University of Finance and Economics</p> <p>Diane de Marliave, European Commission</p> <p>Prof. Shaoyu Zheng, Academy of Equipment Command and Technology, China</p>
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<p>Government Procurement Law, University of Bochum, Germany</p> <ul style="list-style-type: none"> Experience in Italy Dario Casalini Assistant Professor in Public Law, Faculty of Economics, University of Turin and Gabriella M Racca, Professor in Administrative Law, Faculty of Economics, University of Turin 		
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13.00 - 14.15 Lunch

14.15 - 15.30 Workshops number 3

<p>Workshop A3 Competitive dialogue: discussion of key issues</p> <ul style="list-style-type: none"> Panel remarks and audience discussion <p>In this session there will be general audience discussion of key issues in competitive dialogue arising from the presentations.</p>	<p>Workshop B3 Self-cleaning as a limit on exclusion from procurement for corruption and other crimes</p> <ul style="list-style-type: none"> The UK perspective Michael Bowsher, QC, FCI Arb Chartered Arbitrator, Monckton Chambers The French perspective Joel Arnould, Member of the Administrative Court of Lyon, France The German perspective: The EU rules and Member State Practice Hans-Joachim Priess, Partner, Freshfields Bruckhaus Deringer, Berlin The Danish perspective Professor Steen Treumer, Professor of Public Procurement Law, University of Copenhagen, Denmark The Lithuanian perspective Dr. Deividas Soloveickas, Vilnius University, Lithuania 	<p>Workshop C3 Director: Sue Arrowsmith Current issues for the GPA</p> <ul style="list-style-type: none"> Special and Differential Treatment and other special measures for developing countries under the GPA: the current text and new provisions Anna Caroline Müller, Oberlandesgericht, Düsseldorf Ass. Iur Regionalism/multilateralism debate in the area of public procurement Josefita Pardo De Leon, WTO
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15.30-15.50 Refreshments

15.50 - 17.00 Workshops number 4

<p>Workshop A4 Director: Glenn Fletcher, Achilles Treaty obligations for contracts outside the public procurement directives</p> <ul style="list-style-type: none"> Scope of the Treaty requirements: which arrangements are covered? Andrea Sundstrand, Advokat and PhD candidate, University of Stockholm Practical requirements arising from the Treaty principles: advertising, procedures and remedies Adrian Brown, of Counsel, Herbert Smith LLP, Brussels 	<p>Workshop B4 Approaches to penalties</p> <ul style="list-style-type: none"> Approaches to penalties in selected Member States William Timmermans, Altius, Brussels, Belgium A country's existing experience with penalties: the Norwegian experience Arnhild Dordi Gjønnes, Attorney-at-law, NHO, Norway 	<p>Workshop C4 Director: Sue Arrowsmith International procurement rules in times of crisis</p> <ul style="list-style-type: none"> The global response to the financial crisis: an overview Professor Simon Evenett, Department of Economics, University of St Gallen, Switzerland Implications of the global financial crisis for the GPA and FTAs Professor John Linarelli, Professor of Law, University of La Verne College of Law, USA Iraq: a Case Study and General Reflections on Procurement Rules in Times of Crisis Professor Joshua Schwartz, Professor and Director of Government Procurement Law Program, George Washington University, USA
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1845 for 1900 Conference Dinner

DAY 2 Tuesday 20th April

09.00 - 10.00 **Plenary session: Higher education and academic resources for public procurement regulation**

09.00Introduction from the chair – Professor Steen Treumer, Professor of Public Procurement Law University of Copenhagen, Denmark

09.05	Public procurement teaching in universities – the Asia Link project and other recent global developments - Professor Sue Arrowsmith, Professor of Public Procurement Law, PPRG, University of Nottingham, UK
09.15	Translations, texts, and other resources developed under the Asia Link programme – Professor Cao Fuguo, Central University of Finance and Economics, China; Professor Steen Treumer, Professor of Public Procurement Law, University of Copenhagen, Denmark
09.25	The global Procurement law Academic Network (PLAN) and bibliographies on procurement regulation - Professor Sue Arrowsmith, Professor of Public Procurement Law, PPRG, University of Nottingham, UK
09.35	Collaboration between universities and the professions – Emma Scott, CIPS
09.45	Developing collaboration between law and other disciplines – Professor Jan Telgen, NEVI Professor of Purchasing Management and Professor of Applied Operations Research, University of Twente, Netherlands

10.00 - 11.20 Workshops number 5

<p>Workshop Stream A: Developments in EU Procurement</p> <p>Workshop A5 Director: Steen Truemer In-house procurement as a limit on the scope of the EC procurement rules</p> <ul style="list-style-type: none"> Experiences and approaches to in-house procurement in the Member States 	<p>Workshop Stream B: Procurement Regulation in the 21st Century</p> <p>Workshop B5 Director: Albert Sánchez Graells, Associate Professor in Commercial Law, UP Comillas – ICADE, Madrid</p> <p>The interplay between public procurement law and competition law: the example of the EC</p>	<p>Workshop D5 Public procurement regulation and higher education</p> <p>Panel discussion and audience discussion:</p>
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<p>Professor Roberto Caranta, Law Faculty, University of Turin</p> <ul style="list-style-type: none"> • Recent developments in the case law of the ECJ on in-house procurement Kurt Weltzien, Attorney-at-Law, NHO, Norway <p>Chair: Carri Ginter</p>	<ul style="list-style-type: none"> • Competition law against private restraints in the public procurement field: bid-rigging Ciara Kennedy-Loest, Lovells LLP • Competition law against "hybrid" restraints in the public procurement field: procurement of services of general economic interest (SGEI) Stephan Wernicke, European Commission and Humboldt-University Berlin • Competition law against public restraints in the public procurement field: importing competition considerations into the EC public procurement Directives Albert Sánchez Graells, U.P. Comillas – ICADE, Madrid 	<ul style="list-style-type: none"> • Teaching of public procurement regulation in universities • Development of the global Procurement Law Academic Network (PLAN) • The relationship between higher education and the procurement professions • Developing collaboration between law and other disciplines
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11.20-11.40 Refreshments

11.40 – 13.00 Workshops number 6

<p>Workshop A6 Director: Aris Georgopoulos, PPRG University of Nottingham</p> <p>Initiatives in opening up EU defence procurement: the new Defence Procurement Directive and the work of the European Defence Agency</p> <ul style="list-style-type: none"> • An analysis of the main aspects of the new Defence procurement Directive Dr. Aris Georgopoulos, PPRG, University of Nottingham • Risk of offsets and preventive mechanisms Francisco Vilhena da Cunha, Advisor of the Secretary of State of Science, Technology and Higher Education, Portugal • Security (non Defence) Procurement in the Light of the New Directive Joanne Teal, Europol • Collaborative procurement in the light of the defence procurement Directive Baudouin Heuninckx, Belgian Defence Staff and PPRG, University of Nottingham <p>Discussant: Nico Spiegel, European Commission</p>	<p>Workshop B6 Director: Associate Professor Christina Tvarnø, Law Department, Copenhagen Business School</p> <p>Procurement of Public-Private Partnership arrangements</p> <ul style="list-style-type: none"> • Procurement of PPPs in a comparative perspective Professor François Lichère, University of Aix-Marseille III, Aix-en-Provence, France • PPP in the straitjacket of the EC public procurement rules Dr. Christina Tvarnø, Associate Professor, Law Department, Copenhagen Business School, Denmark • Procurement of PPPs: a perspective from South Africa Professor Phoebe Bolton, Professor of Law, Stellenbosch University, South Africa 	<p>Workshop Stream C: Globalisation and Harmonisation</p> <p>Workshop C6 Director: Sue Arrowsmith</p> <p>Regional regimes, globalisation and harmonisation in the developing world: Part I</p> <ul style="list-style-type: none"> • A case study of regionalism in the developing world: the E-Cariforum Economic Partnership Professor Simon Evenett, Department of Economics, University of St Gallen, Switzerland • Harmonisation and market opening under the COMESA regime – a perspective from Africa Stephen Karangizi, COMESA • The potential of soft law as a tool for opening up markets to trade in the developing world Lili Jiang, visiting scholar, University of Nottingham
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13.00-14.00 Lunch 14.00 Group photograph

14.15-15.30 Workshops number 7

<p>Workshop A7 Director: Andrea Sundstrand</p> <p>Selection and award criteria in the case law of the ECJ</p> <ul style="list-style-type: none"> • The distinction between selection and award criteria following the ECJ ruling in Lianakis Roger Bickerstaff, Partner, Bird and Bird • Disclosure of award criteria Professor Jan Telgen, NEVI Professor of Purchasing Management and Professor of Applied Operations Research • Conflicting Swedish approaches to the distinction between selection and award criteria Andrea Sundstrand, advokat and PhD student, University of Stockholm, Sweden 	<p>Workshop B7 Director: Hans-Joachim Priess, Freshfields Bruckhaus Deringer, Berlin</p> <p>Self-cleaning as a limit on debarment from procurement for corruption and other crimes</p> <ul style="list-style-type: none"> • The EC rules and Member State practice Hans-Joachim Priess, Partner, Freshfields Bruckhaus Deringer, Berlin • Implementing a compliance system – a contractor's perspective Stefan Hoffman-Kuhnt, Corporate Compliance Officer, Siemens AG • A regulator's perspective Michael Fruhmann, Austrian Federal Chancellery 	<p>Workshop C7 Director: Sue Arrowsmith</p> <p>Regional regimes, globalisation and harmonisation in the developing world: Part II</p> <ul style="list-style-type: none"> • The influence of national and international regimes on the procurement systems of southern Africa Professor Geo Quinot, Department of Public Law, University of Stellenbosch, South Africa • The influence of national and international regimes on procurement systems: the case of Rwanda Ivan Rugema, Department of Criminal Justice and Procedure, Faculty of Law, University of the Western Cape, South Africa • Progress in harmonising the procurement guidelines of the development banks Hamid Sharif, Principal Director, Central Operations Services Office, Asian Development Bank (ADB) • Procurement of consultancy services and the harmonisation of development bank guidelines Peter Trepte, Company Law and European Group, Littleton Chambers and PPRG, University of Nottingham • Public procurement reform in Lebanon:
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		progress and perspectives Youssef Saad, Senior Procurement Officer, OM SAR, Lebanon
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15.30-15.50 Refreshments

15.50-17.00 Workshops number 8

<p>Workshop A8 Changes to concluded contracts since presstext</p> <ul style="list-style-type: none"> The theory and practice of post contract award changes including changes to the contract and contractor changes <p>Susie Smith, Consultant, Bevan Brittan LLP and</p> <p>Jonathan Davey, Partner and Head of Commercial Group, Addleshaw Goddard</p>	<p>Workshop B8 Director: Sue Arrowsmith New tools and initiatives for sustainability in public procurement and the implications of public procurement rules</p> <ul style="list-style-type: none"> New practical tools and initiatives for implementing sustainability in the public procurement process Colin Maund, Chief Executive, Achilles Group Comments from the panel: the implications of public procurement rules for new developments <p>Panel Chair: Professor Peter Kunzlik, The City Law School, City University, London</p>	<p>Workshop C8 Director: Sope Williams-Elegbe, PPRG University of Nottingham</p> <p>Use of country procurement systems by the development banks</p> <ul style="list-style-type: none"> Lessons learned from the World Bank's pilot of use of country systems in bank-financed procurement Peter Trepte, Barrister, Littleton Chambers and Special Professor, PPRG University of Nottingham Use of country procurement systems: perspective from the Asian Development Bank Hamid Sharif, Principal Director, Central Operations Services Office, Asian Development Bank (ADB) A critical perspective on the use of country procurement systems Jonathan Wood, Global Issues Analyst, Control Risks, UK Use of Country Procurement Systems Devesh Mishra, World Bank
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