

Actual questions of public procurements in the Court of Justice
of the European Union

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Public procurements in the case law of Court of Justice of the
European Union

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1. Harmonisation of member state legislation on contract award procedures
 - 1.1. Legal grounds
 - 1.2. Objective
 - 1.3. Reflection of jurisprudence

2. Application of the general principles of the Law of the European Union to public contracts
 - 2.1. Ruling of 7 February 2000, C-324/08 Telaustria
 - 2.2. Whereas 2 of Directive 2004/18
 - 2.3. Contracts with a value below the threshold determined by the Directive Ruling of 23 December 2009, C-376/08 Serrantoni
 - 2.4. Awarding, Ruling of 10 September 2009, C-206/08 WAZV Gotha
 - 2.5. Limited obligations of publicity Ruling of 18 November 2010 C-226/09 Commission/Ireland
 - 2.6. Analysis of the Ruling of 15 October 2009, C-196/08 ACOSSET

3. Award criteria
 - 3.1. Article 53 of Directive 2004/18
 - 3.2. Principles derived from the jurisprudence of the Court of Justice
 - Comparability of bids
 - Non-restrictive listing of award criteria
 - Criteria for selecting the economically most advantageous bid
 - Weighing the award criteria
 - Respect of the norms and principles of Community Law
 - Equal treatment
 - Transparency
 - Publicity
 - Identical interpretation of the award criteria throughout the procedure
 - Opportunity for not purely economic criteria
 - 3.3. Analysis of the Ruling of 18 November 2010, C-226/09

Commission/Ireland

4. Contracting authorities

4.1. Article 1, paragraph 9 of Directive 2004/18

4.2. Conditions

- Obligation to satisfy needs in the general interest
- Legal personality
- Dependence on the state, territorial entities and other bodies governed by public law

- Public funding

- Inspection of management

4.3. Analysis of the Ruling of 11 June 2009, C-300/07 Hans and Christophorus Oymanns