

Damages in EU Public Procurement Law: Studies in European Economic Law and Beyond

The field of public procurement law in the European Union (EU) is a complex and evolving area of legal study. While the primary goal of public procurement regulations is to ensure fair competition in the market and the efficient allocation of public resources, the issue of damages arising from violations of these regulations has gained increasing attention in recent years.

Studies in European Economic Law have delved into the intricacies of damages in EU public procurement law, shedding light on key issues such as liability, quantification, and enforcement. This article aims to provide an engaging and informative overview of the various aspects surrounding damages in EU public procurement law.

Understanding Damages in EU Public Procurement Law

Public procurement law in the EU focuses on the principles of transparency, equal treatment, and non-discrimination. The aim is to ensure that all economic operators, regardless of their size or origin, have the opportunity to participate in public procurement procedures. However, when these principles are violated, damages can arise.

Damages in EU Public Procurement Law (Studies in European Economic Law and Regulation Book

6) by Benjamin J. Richardson (1st ed. 2016 Edition, Kindle Edition)

★★★★★ 5 out of 5

Language : English

File size : 613 KB



Text-to-Speech : Enabled
Screen Reader : Supported
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 351 pages



One key aspect of damages in EU public procurement law is liability. The EU procurement directives provide a framework for establishing liability for breaches of the procurement rules. Economic operators who suffer harm or loss as a result of an infringement can seek damages from the contracting authorities responsible for the violation. However, establishing liability can be a complex task, as it requires proving causation and quantifying the harm suffered.

The Quantification of Damages in EU Public Procurement Law

Quantifying damages in EU public procurement law presents specific challenges. Unlike commercial contracts, public procurement damages are different, as they involve both compensatory and deterrent elements. The compensatory aspect aims to put the injured party in the position they would have been in had the infringement not occurred. On the other hand, the deterrent element seeks to discourage future violations of the procurement rules.

Determining the appropriate amount of damages becomes even more challenging due to the diverse nature of public procurement contracts. Contracts can vary significantly in terms of complexity, duration, and financial implications. Therefore, studies in European Economic Law have explored various approaches

to quantifying damages, including the estimation of lost profits, the value of the tender bid, and the additional costs incurred.

Enforcement of Damages in EU Public Procurement Law

Enforcement of damages is yet another crucial aspect of EU public procurement law. The effectiveness of damages as a remedy depends on the ability of economic operators to enforce their rights in a timely and efficient manner. This requires a robust system that ensures swift resolution of disputes and adequate compensation for the harmed parties.

Studies in European Economic Law have examined the existing enforcement mechanisms in EU public procurement law, including the options for bringing legal actions before national courts, alternative dispute resolution methods, and the role of national review bodies. These studies emphasize the need for streamlining the enforcement procedures to guarantee the practical availability of damages as an effective remedy in cases of violations.

The Future of Damages in EU Public Procurement Law

As the field of EU public procurement law continues to evolve, the issue of damages is likely to gain further prominence. With increased focus on the efficient allocation of public resources and the prevention of fraud, corruption, and favoritism, the importance of effective remedies for violations of procurement rules becomes paramount.

Studies in European Economic Law are at the forefront of shaping the future of damages in EU public procurement law. Through their research, scholars explore innovative approaches to quantifying damages, propose improvements to enforcement mechanisms, and analyze case law to identify emerging trends and potential challenges.

Damages in EU public procurement law represent an essential aspect of ensuring fair and efficient competition in public tenders. Studies in European Economic Law contribute significantly to the understanding and development of this field by addressing liability, quantification, enforcement, and future challenges.

With ongoing research and academic discourse, the complexities of damages in EU public procurement law can be better understood and navigated, providing economic operators and contracting authorities with a clearer framework for the resolution of disputes and the prevention of further infringements.



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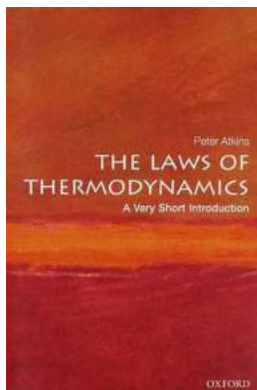
The book surveys the enforcement of EU law through the lens of damages claims for violations of EU public procurement rules. The first part clarifies the requirements on damages claims under both public procurement and general EU law, notably the public procurement remedies directives and doctrines such as procedural autonomy, effective judicial protection and Member State liability. The second part focuses on comparative law, covering England, France, Germany and the Netherlands, and provides an overview of national regulation and case

law of damages litigation in the area of public procurement. A third part discusses the constitutive and quantification criteria of the damages remedy from a comparative and EU law perspective. It explores the lost chance, which functionally emerges as a compromise capable of mitigating the typically problematic nature of causation and uncertainty in public procurement constellations. The book concludes with a proposal for legislative intervention regarding damages in public procurement.



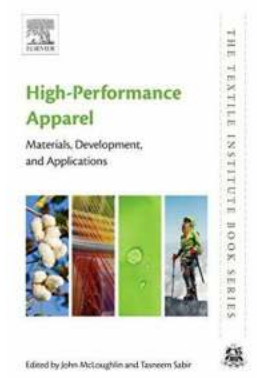
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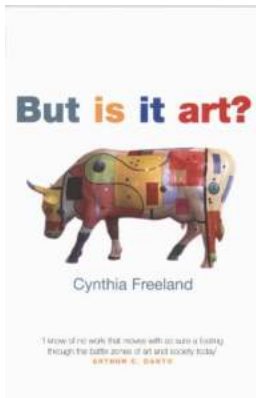
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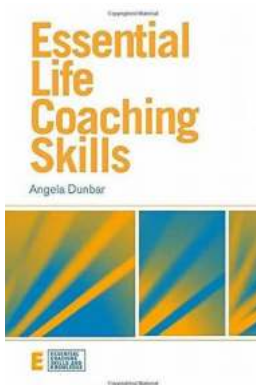
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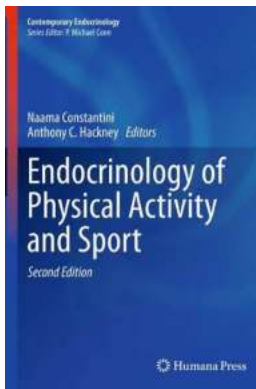
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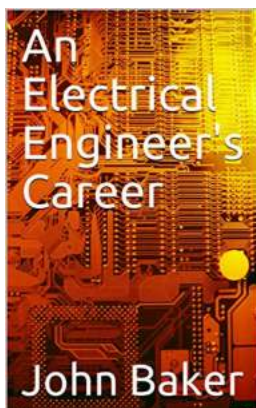
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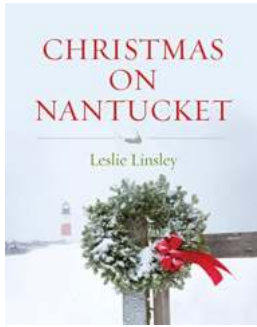
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