



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SME's

SINGLE MARKET FOR PUBLIC ADMINISTRATION  
Procurement Legislation and Enforcement

### **MEETING WITH THE FIRST INSTANCE SPECIALISED ADMINISTRATIVE REVIEW BODIES IN THE CONTEXT OF THE EVALUATION OF THE EFFECTIVENESS OF DIRECTIVE 2007/66/EC MODIFYING THE RULES ON REMEDIES IN THE FIELD OF PUBLIC PROCUREMENT**

**30<sup>TH</sup> SEPTEMBER 2015, 9:00-14:00**

**ALBERT BORSCHETTE BUILDING  
(36, RUE FROISSART-1049 BRUXELLES)  
ROOM AB-1B**

## **AGENDA**

**9:00-9:30 On-going evaluation of Directive 2007/66/EC modifying the rules on remedies in the field of public procurement: purpose, methods, preliminary findings - presentation by the Commission**

**9:30-11:30 Round table I:**

**Overall effectiveness of the remedies system in your Member State, with a particular focus on the following aspects:**

- i. **The length of review procedures** in your Member State, including first and second instance review, e.g. provisions that govern the length of review procedures, examples, if any, of the remedy system causing delays in the award of public contracts
- ii. **The standard of review** in your Member State, including first and second instance review, e.g. legal vs. technical matters, influence of the standard of review on the length of review procedures
- iii. **The number of cases** dealt with by your review body from 2012 to 2014, the number of appeals to the decisions and their success rate
- iv. **Costs and their impact on access to justice**, e. g. ensuring access to justice and preventing frivolous litigation)
- v. **Institutional aspects**, e.g. specialised bodies vs. courts in the context of the effectiveness of the remedies system, second and further instances review and its impact on the effectiveness and the length of procedures.

**11:30-11:45: Coffee break**

**11:45-13:00: Round table II:**

**Focus on the Remedies Directives:**

- i. EU-added value of the Remedies Directives (e.g. in the absence of the Remedies Directives, would it be possible to protect bidders' individual rights?)
- ii. To what extent do the Remedies Directives as modified by Directive 2007/66/EC balance the interest of economic operators in ensuring the effectiveness of public procurement law and the interest of contracting authorities / entities in limiting frivolous litigation?
- iii. Interim measures, standstill period, alternative penalties, ineffectiveness and damages – are they effective?
- iv. To what extent are the Remedies Directives as modified by Directive 2007/66/EC sufficiently clear and precise?
- v. Are there still problems in addressing breaches in EU public procurement law? Please give examples.
- vi. What could be done to improve the functioning of the remedies system? Would it be necessary to amend the text of the Remedies Directives or to adopt non-legislative measures for a greater effectiveness in the system?

**13:00-14:00 Networking lunch**