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Public Procurement Review and Remedies in the Member States of the EU

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What? + Why?

- **What: Study**
 - Review and *remedies* systems
 - 27 Member States
 - Review bodies, available remedies, review culture
- ***Why*: Better understanding + knowledge may help + inspire Sigma-partner countries in reforming or setting up.**



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Review + Remedies

How did Member States organise their review and remedies systems?





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EC requirements

- **EC Remedies Directives:**
 - Rapid and effective remedies.
 - Independent review bodies.
 - Judicial review in last instance.
 - Interim relief.
- **European Court of Justice *case law*.**
 - Alcatel
 - Stadt Halle



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Not in EU law:

- Administrative or civil judicial review?
- Composition of review bodies?
- Arbitration?
- Number and size of review bodies?
- Calculation of damages?
- Procedural law?



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What did we want to know?

- **Institutional framework.**
 - Courts and review bodies...
- **Legal framework.**
 - Procedural law, remedies...
- **Review and remedies culture.**
 - Legal education, attitudes...
- **Operation of the system.**
 - Number of cases, time, outcomes...



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Findings?

- **Exclusively judicial review.**
 - **United Kingdom.**
- **Judicial review + review body.**
 - **Austria, Germany.**
- **Exclusively review body.**
 - **Question of independence.**



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Thank you!

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