



LUND UNIVERSITY  
Faculty of Law



Institute of European  
and Comparative Law

Faculty of Law



## Discretion in EU Public Procurement Law Workshop

Friday 3 November 2017

Talbot Hall, Lady Margaret Hall, Oxford

9.00-9.15 Welcome  
Sanja Bogojević

9.15 – 10.45 **Public Procurement Law and the Internal Market**  
Chair: **Xavier Groussot**

Constitutional Dimensions of EU Public Procurement Law

**Phil Syrpis**, Professor of EU Law, University of Bristol Law School

EU Law on Public Procurement: Internal Market Law Made Better

**Stephen Weatherill**, Jacque Delors Professor of European Law, University of Oxford

Public Procurement and Technical Standards: Limits to Discretion or a Democratic Threat?

**Jörgen Hettne**, Associate Professor, Business School, Lund University

10.45-11.00 **COFFEE AND TEA**

11.00-13.00 **Discretion: Limits and Opportunities**  
Chair: **Jörgen Hettne**

The Drivers and Boundaries of Discretion in the Award of Public Contracts

**Christopher Bovis FRSA**, Professor International Business Law, University of Hull

The Many Faces of Discretion under EU Law: EU Public Procurement Law as a Case Study

**Dieter Kraus**, référendaire, Court of Justice of the EU

Public Procurement and Human Rights: Discretion, Paradox, Divergence

**Claire Methven O'Brien**, Strategic Adviser Human Rights and Development, Danish Institute for Human Rights and **Olga Martin-Ortega**, Reader in Public International Law University of Greenwich

Some Reflections on the 'Artificial Narrowing of Competition' as a Check on Discretion in Public Procurement

**Albert Sanchez-Graells**, Reader in Economic Law, University of Bristol Law School

**13.00-14.00**      **LUNCH**

**14.00-16.00**      **Environmental and Social Clauses**

Chair: **Claes Granmar**, Stockholm University, IECL Research Visitor

Limits to Contracting Authority's Discretion in Pursuing Sustainability – Public Interest and Public Procurement Law

**Marta Andrecka**, Assistant Professor, Copenhagen University

Mapping Environmental Contestation Points in EU Public Procurement Law and Policy

**Sanja Bogojević**, Associate Professor and Fellow, Lady Margaret Hall and Law Faculty Oxford University

Procuring Social Rights: Means, Ends, Conflict?

**Jeremias Prassl**, Associate Professor and Fellow, Magdalen College, Law Faculty Oxford University

The Age of Discretion - Proportionality and Social Clauses

**Xavier Groussot**, Professor of EU Law, Lund University and **Angelica Ericsson**, référendaire, Court of Justice of the EU

**16.00-16.15**      **COFFEE AND TEA**

**16.15-17.45**      **Alternative Procurement Models**

Chair: **Sanja Bogojević**

Green Public Procurement: Promoting Environmental Interests in the US and the EU

**Jason J. Czarnezki**, Gilbert and Sarah Kerlin Distinguished Professor of

Environmental Law Chair, Pace Law School

Regulating Procurement at the European Spallation Source ERIC: Discretion, Considerations and Constraints

**Ohad Graber-Soudry**, Head of Legal, European Spallation Source, Lund

The Swedish Public Procurement Model

**Ulf Bernitz**, Professor of EU Law, Stockholm University and Fellow of the Institute of European and Comparative Law, Oxford

**17.45-18.00**

## **Conclusions**

**Sanja Bogojević, Xavier Groussot and Jörgen Hettne**