Recent and current activity

• Commission Green Paper – April 2004
• Commission Staff Working Paper – May 2005
• Commission Communication – November 2005
• Impact study on legislative initiative on concessions (in progress)
• Communication on IPPP (in progress)
What are PPPs?

• PPPs are a form of public procurement
• PPPs are higher value, long term, often complex and often high profile transactions for provision of both assets and services
• PPPs take the legal form of public contracts or concessions
Fundamentals

• Use of PPPs is downstream of political choice
• PPPs matter because of legislative and budgetary pressures
• PPPs need case by case assessment
• Rising tide of ECJ cases in public procurement
Key requirements

• PPPs need legal certainty
• PPPs need transparent and competitive procurement processes
Key issues

- Inconsistency between award procedures for public contracts and concessions
- Enforcement of rules on award procedures
- Effective implementation of Competitive Dialogue
Key propositions

• Standardised award procedures for all PPPs whether public contracts or concessions
• A more prescriptive Remedies Directive
• Further guidance from the Commission on Competitive Dialogue (especially post tender period)
European PPP Forum

WEB SITE
www.eipa.nl training and research/topics
/European Public-Private Partnership

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