



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de unidade curricular

Curso de Mestrado Profissionalizante

Erasmus Mundus Master in Law

Unidade curricular

Public procurement in a globalized world – Mestrado Profissionalizante Erasmus Mundus Master in Law

Docente responsável e respetiva carga letiva na unidade curricular (preencher o nome completo)

Nuno Cunha Rodrigues – 2 horas semanais (one semester)

Outros docentes e respetivas cargas letivas na unidade curricular

(máximo 1000 caracteres)

Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes)

The course aims to explain how public procurement works in a globalized world.

There are economics explanations for the liberalization of public procurement that were included in the Government Procurement Agreement (GPA) concluded under the World Trade Organization (WTO) system. Today 47 states are part of the GPA, namely USA, Canada and the European Union.

Through this course it will be explained how the WTO system works, namely the GPA and the influence of international law in public procurement.

It will be also explained how public procurement is taken care by European Law.

Conteúdos programáticos

I - Introduction to public procurement;

II - Economics of public procurement and public contracts;

III - Globalization, international trade and public procurement:

3.1. Developed countries;

3.2. Economic analysis;

3.3. Secondary policies;

IV - The WTO and the GPA;

4.1. Principles:

4.1.1. Most favoured nation (MFN);

4.1.2. National treatment rule;

4.1.3. Exceptions

4.2. State as a regulator, company (state trading) or consumer (public procurement) under the WTO legal framework;

4.3. The Government Procurement Agreement (GPA):

4.3.1. History of the GPA

4.3.2. The legal framework of the GPA:

4.3.2.1. Scope and coverage;

4.3.3.2. Evaluation of contracts;

4.3.3.3. Negative lists;

4.3.3.4. Positive lists;

4.3.4.5. Off-sets;

4.3.4.6. The defense exceptions;

4.3.4.7. Case law under GPA

V Public procurement in the European Union;

5.1. Effect of GPA in European law;

5.2. History of public procurement in European Law;

5.3. Main principles of European law and public procurement;

5.4. The legal framework of 2014;

5.5. Secondary policies under European Law:



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5.5.1. Environmental policies;
5.5.2. Social policies;
5.5.3. Criminal policies;
5.5.4. Other policies;
5.6. Case law;
VI – Other agreements:
6.1. Economic institutions:
6.1.1. World bank (tied-aid and tied-loan)
6.1.2. IMF;
6.1.3. Other institutions;
6.2. The UNCITRAL public procurement model;
6.3. Bilateral agreements;
6.4. Regional agreements;
VII – The future of public procurement in a globalized world;
VIII- Public procurement in Portugal;

Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular

The course departs from the fundamentals of economics in order to explain how it has influenced international and European law. From this point it will be explained how does the WTO system deals with public procurement and with the role of the state as a consumer and, from then, it will be explained the European system.

Metodologias de ensino (avaliação incluída)

Legal theory will be taught at the beginning, explained the issues described in the program. Later students will be called in order to analyze some of the most relevant judicial decisions concerning public procurement namely under international law (GPA) and European law (EUCJ).
Final evaluation will be based of the interest, cooperation and work done during the scholar semester. A final work and the approval at a final exam will be mandatory.

Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular

The methodology of the course aims to allow students to get easily in contact with national public procurement law independently of their nationality. The knowledge of both international law and European law in nowadays necessary in order to understand any national legal system concerning public procurement.

Bibliografia principal

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NOTA: este mapa é preenchido tantas vezes quantas as necessárias para descrever as diferentes unidades curriculares.

Curricular unit sheet

Course _____

Curricular unit

(maximun 1000 characters)

Responsible Academic staff and respective workload in the curricular unit (enter full name)

(maximun 100 characters)

Other academic staff and respective workloads in the curricular unit

(maximun 1000 characters)

Learning outcomes of the curricular unit

(maximun 1000 characters)

Syllabus

(maximun 1000 characters) Insolvency Law

Demonstration of the syllabus coherence with the curricular unit's objectives.

(maximun 1000 characters)

Teaching methodologies (including evaluation)

(maximun 1000 characters)

Demonstration of the coherence between the teaching methodologies and the learning outcomes

(maximun 3000 characters)

Main Bibliography

(maximun 1000 characters)

NOTE: this map can be filled in as many times as necessary to describe the different curricular units.