



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:



FACULDADE DE DIREITO
Universidade de Lisboa

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- Competition law and public procurement;
IX- 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 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 (ECJ).

Final evaluation will be based on 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 is nowadays necessary in order to understand any national legal system concerning public procurement.

Bibliografia principal

ANDERSON, Robert A. e MULLER, Anna Caroline, *Market access for government procurement of services: comparing recent PTA's with WTO agreements*, in Martin Roy e Juan Marchetti (eds), *Services Trade Liberalization: preferential trade agreements vs. the GATS, WTO and Cambridge University Press*, 2008, capítulo 12, pp. 435-474.

ANDERSON, Robert D., *China's accession to the WTO agreement on government procurement: procedural considerations, potential benefits and challenges, and implications of the ongoing re-negotiation of the agreement*, in PPLR, n.º 4, 2008, pp. 161-174

ANDERSON, Robert D., *Current developments on public procurement in the WTO*, in PPLR, n.º 15, 2006, NA 167-178

ANDERSON, Robert D., *Renewing the WTO agreement on government procurement: progress to date and ongoing negotiations*, in PPLR, n.º 4, 2006, pp. 255-273

ANNET, Blank e GABRIELLE, Marceau, *The history of public procurement negotiations since 1945*, in PPLR, n.º 5, 1996, pp. 77 – 159

ANTONIADIS, Antonis, *WTO Law and the EU: a nexus of reactive, coercive and proactive approaches*, paper,



FACULDADE DE DIREITO
Universidade de Lisboa

Universidade de Bolonha, 2004

ARROWSMITH, Sue, Kyunzlik, Peter (org.), *Social and Environmental Policies in EC Procurement Law*, Cambridge University Press, Cambridge, 2009

ARROWSMITH, Sue, *Government procurement in the WTO*, Kluwer Law International, 2003

ARROWSMITH, Sue, LINARELLI, John e WALLACE Jr., Don, *Regulating Public Procurement – nacional and international perspectives*, The Hague, Kluwer Law International, Londres, 2000

ARROWSMITH, Sue, *The law of public and utilities procurement*, Sweet & Maxwell, Londres, 2005

ARROWSMITH, Sue, *The procurement of government and state enterprises under the GATT national treatment rule*, in AAVV., *Liber Amicorum Prof. W.G. Wedekind*, Kluwer, Deventer, 2003, pp. 539-568

ARROWSMITH, Sue, *Third country access to E.C. Public Procurement: an analysis of the legal framework*, in PPLR, n.º 1, 1995, pp. 1-34

ARROWSMITH, Sue, *Towards a Multilateral Agreement on Transparency in Government Procurement*, in *International and Comparative Law Quarterly*, n.º 47, 1997, pp. 793-816

ARROWSMITH, Sue, *Transparency in Government procurement: the objectives of regulation and the boundaries of the World Trade Organization*, in *Journal of World Trade*, n.º 37, 2003, pp. 283 e segs.

ARROWSMITH, Sue, TRYBUS, Martin e MEYER, G., *Non-commercial factors in public procurement*, paper, relatório do Office of Government Commerce, 2000

ARROWSMITH, Sue, *Public Procurement: an appraisal of the UNCITRAL model law as a global standard*, in *International and Comparative Law Quarterly*, vol. 53, n.º 1, Janeiro de 2004, pp. 17-46

BAISTROCCHI, Pablo Asbo, *Can the award of a Public Contract be Deemed to constitute state aid?*, in *European Competition Law Review*, 2003, volume 24, issue 10 – Outubro de 2003, pp. 510-517

BALDWIN, Robert, *Nontariff distortions of international trade*, Brookings Institution, Washington, 1970

BALDWIN, Robert, *Trade policies in developed countries*, in Ronald W. Jones e Peter B. Kenen (org.), *Handbook of International Economics*, vol. 1, Amesterdão, 1984, pp. 571-619

BARTOSCH, Andreas, *The relationship between public procurement and state aids surveillance – the toughest standard applies?*, in *Common Market Law Review*, n.º 39, 2002, pp. 551-576

BEATE Sjafell/ANJA Wiestbrock, *Sustainable Public Procurement under EU law*, Cambridge, 2016;

BERKANI, Elias, *Droit de la concurrence et commande publique: état des lieux d'un vieux couple*, in *Concurrences*, n.º 1, Institut de droit de la concurrence, n.º 13045, 2007, pp. 58-67

BERKEY, Judson Osterhoudt, *The European Court of Justice and Direct Effect of GATT: A Question Worth Revisiting*, in *European Journal of International Law*, vol. 9, 1998, pp. 626-657

BHATTACHARYYA, Bisweswar, *Transparency in Government Procurement In The Context Of The Doha Development Agenda*, Nova Deli, Março de 2003, disponível em http://www.networkideas.org/feathm/sep2003/Gov_Proc.pdf

BOLTON, Phoebe, *The use of government procurement as an instrument of policy*, in *The South African Law Journal*, n.º 121 (3), 2004, pp. 619-635

BOURGEOIS, Jacques, *European community: effects of international agreements in European Community Law: Are the dice cast?*, in *Michigan Law Review*, 1984, n.º 82, pp. 1250 e segs.

BOVIS, Christopher, *Developing public procurement regulation: jurisprudence and its influence on law making*, in



FACULDADE DE DIREITO
Universidade de Lisboa

Common Market Law Review, 2006, pp. 461-495

BOVIS, Christopher, *EC Public Procurement: case law and regulation*, Oxford, University Press, 2006

BOVIS, Christopher, *Financing services of general interest, public procurement and state aids: the delineation between market forces and protection?* in *European Law Journal*, vol. 11, n.º 1, Janeiro de 2005, pp. 79-109

BOVIS, Christopher, *Public Procurement in the European Union*, Palgrave MacMillan, 2005

BOVIS, Christopher, *Public procurement, state aid and public services: between symbiotic correlation and asymmetric geometry*, in *European State Aid Law Quartley*, 4/2003, pp. 553-569

BRAUER, Jurgen e DUNNE, J. Paul, (org.), *Arms trade and economic development – Theory, policy and cases in arms trade offsets*, Routledge, Londres, 2004

BRAUN, Peter, *A Matter of Principle(s) – the Treatment of Contracts Falling Outside the Scope of the European Public Procurement Directives*, in *PPLR*, n.º 9, 2000, pp. 39-48

BRIGGS, Tim, *The new defence procurement directive*, in *PPLR*, n.º 4, 2009, NA129-NA135

BRONKERS, Marco, *Privatized utilities under the WTO and EU Procurement rules*, paper, Genebra, 1995

BROSSAY, Marie-Aude e BAECKE, Pierre, *L'acheteur public: prévenir, détecter et gérer les pratiques anticoncurrentielles*, in *Contrats Publics*, n.º 99, Maio 2010, pp. 41-44

BRULHART, Marius e TRIONFETTI, Federico, *Industrial specialization and public procurement: theory and empirical evidence*, in *Journal of Economic Integration*, 2001, n.º 16, pp. 106-127

BRUNK, Dean E., *Governmental Procurement: "FAR" from a Competitive Process*, in Gustavo Piga e Khi V. Thai (eds), *Advancing Public Procurement: Practices, Innovation And Knowledge sharing*, Boca Raton, 2007, capítulo 8

CARREAU, Dominique e JUILLARD, Patrick, *Droit International Economique*, Dalloz, Paris, 2007

CHARBIT, Nicolas, *Le droit de la concurrence et le secteur public*, L'Harmattan, Paris, 2002

CHEN, Xiangqun, *Directing government procurement as an incentive to production*, in *Journal of Economic Integration*, (1), Março 1995, pp. 130-140

CHIMIA, Annamaria La, *International steps to untie aid: DAC/OECD recommendation on untying official development assistance to the least developed countries*, *Public Procurement Law Review*, n.º 1, 2004, pp. 1-29

CHOI, Inbom, *The long and winding road to the government procurement agreement: Korea's accession experience*, in Will Martin e Mari PanjesTu (eds.), *Options for global trade reform: a view from the Asia-Pacific*, Cambridge University Press, Cambridge, 2003, pp. 249-269

COTTIER, Thomas e SCHEFER, Krista Nadakavukaren, *The Relationship Between World Trade Organizational Law, National and Regional Law*, in *Journal International Economic Law*, 1998, vol. 1, pp. 83-122

COTTIER, Thomas, PANNATIER, Serge e WAGNER, Manfred, *Les accords du GATT/OMC et la construction*, *Droit de la Construction*, n.º 2, 1995, pp. 27-32

DELTA, George e EVENETT, Simon, *Quantitative estimates of the effects of preference policies*, paper, Genebra, 1995, também publicado in SIMON J. EVENETT e BERNARD HOEKMAN, *The WTO and Government procurement*, Edward Elgar, USA, pp. 301-318

DEMSETZ, Harold, *Why regulate utilities?*, in *Journal of Law and Economics*, vol. 11, n.º 1 (Abril 1968), pp. 55-65

DESTOURS, Stéphane, *Un acheteur public peut être un sujet du droit des pratiques anticoncurrentielles*, in *Revue Lamy de la Concurrence*, n.º 9, Outubro/Dezembro 2006, pp. 53-54



FACULDADE DE DIREITO
Universidade de Lisboa

- DETHLEFSEN, Peter**, *Public Services in EU – between state aid and public procurement rules*, in PPLR, n.º 3, 2007, NA53-64
- DINGEL, Dorthe Dahlgaard**, *Direct effect of the government procurement agreement*, in PPLR, n.º 6, 1996, pp. 245- 254
- DINGEL, Dorthy Dahlgaard**, *Public procurement – a harmonization of the national judicial review of the application of european Community Law*, Kluwer Law International, 1999
- DISCHENDORFER, Martin**, *The existence and development of multilateral rules on government procurement under the framework of the WTO*, in PPLR, n.º 1, 2001, pp. 1-38
- DOBSON, Stephen, WATERSON, Michael e CHU, Alex**, *The welfare consequences of the exercise of buyer power*, Office of Fair Trading Research Paper 16, 1998
- DOERN, Alik**, *The interaction between EC rules on public procurement and state aid*, in PPLR, n.º 13(3), 2004, pp. 97-129
- DRIJBER, Berend Jan e STERGIOU, Helene**, *Public Procurement Law and Internal Market Law*, in Common Market Law Review, 46, 2009, pp. 805-846
- DURVIAUX, Ann Lawrence**, *Logique de marché.et marché public en droit communautaire, Analyse critique d`un systeme*, Larcier, Bruxelas, 2006
- EECKHOUT, Piet**, *The domestic legal status of the WTO agreement: interconnecting legal systems*, in Common Market Law Review, n.º 34, 1997, pp. 11-58.
- EIKENBERG, Keneth**, *Article 296 (ex 223) EC and external trade in strategic goods*, 2000, in European Law Review, n.º 25, 2000, pp. 117 e segs.
- EILMANSBERGER, Thomas**, *How to Distinguish Good from Bad Competition under Article 82 EC: In Search of Clearer and More Coherent Standards for Anti-Competitive Abuses*, in Common Market Law Review, n.º 42, 2005, pp. 132 e segs..
- ERIKSSON, E. Anders**, *et alli, Study on the effects of offsets on the development of European Defence Industry and Market*, European Defence Agency, Bruxelas, 2007, disponível em www.eda.europa.eu/documents.aspx
- ERUTKU, Can**, *Buying power and strategic interactions*, in Canadian Journal of Economics, Vol. 38, n.º 4, 2005, pp.1160 – 1172
- EVENETT, Simon J. e HOEKMAN, Bernard M.**, *Government procurement: market access, transparency and multilateral trade rules*, in European Journal of Polical Economy, vol. 21, 1, 2005, pp. 163-183
- FALVEY, Rod, LA CHIMIA, Annamaria, MORRISEY, Oliver e ZGOVU, Eviou**, *Competition policy and public procurement in developing countries*, paper, Universidade de Nottingham, n.º 08/07
- FENGER Niels e BROBERG, Morten P.**, *National Organisation of Regulatory Powers and Community Competition Law*, in European Competition Law Review, n.º 6, 1995, pp. 364 e segs.
- FLAMME, Philippe et alli**, *Les marchés publics européens et belges – l`irrésistible européanisation du droit de la commande publique*, Larcier, Bruxelas, 2005
- FLATTERS, Frank R. e LIPSEY, Richard G.**, *Common ground for the canadian common market*, Institute for research on public policy, Montreal, 1983, pp. 47-49
- FOOTER, Mary**, *Remedies under the new GATT Agreement on Government Procurement*, in PPLR, n.º 2, 1995, pp. 80-93
- FROEB, Luke M., KOYAK, Robert A., e WERDEN, Gregory J.**, *What is the effect of bid rigging on prices*, in Economic letters, n.º 42 (4), 1993, pp. 419-423
- FUNDENBER, Drew e TIROLE, Jean**, *Learning by doing and market performance*, Bell Journal of Economics, n.º 14,



FACULDADE DE DIREITO
Universidade de Lisboa

1983, pp. 522-530

Gabriella RACCA/Chris YUKINS (coords.), *Integrity and Efficiency in Sustainable Public Contracts*, Bruylant, 2014;

Gian Luigi ALBANO/Caroline NICHOLAS (coords.), *The Law and Economics of Framework Agreements*, Cambridge, 2016;

Gustavo PIGA/Steen TREUMER (coords.), *The Applied Law and Economics of Public Procurement*, Routledge, 2013.

Patricia Valcárcel FERNÁNDEZ (coord.), *Compra conjunta y demanda agregada en la contratación del sector público. Un análisis jurídico y económico*, Thomson, 2016;

GELBRICH, Astrid, *Regulation of Government Procurement Within the WTO – Procurement Policies and Multilateral Trade Rules*, VDM Verlag, Saarbrücken, 2008

GEORGOPOULOS, Aris, *Industrial and market issues in european defence: the commission communication of 2003 on harmonisation and liberalisation of defence markets*, in PPLR, n.º 4, 2003, NA82-89.

GEORGOPOULOS, Aris, *Office of Fair Trading: the impact of public procurement on competition*, in PPLR, 2005, 2, NA48-50

GEORGOPOULOS, Aris, *The Commission's interpretative communication on the application of article 296.º EC in the field of defence procurement*, in PPLR, n.º 16, 2007, NA43

GEORGOPOULOS, Aris, *The European Defence Agency's Code of Conduct for Armament Acquisitions: a Case of Paramnesia?*, in PPLR, n.º 2, 2006, pp. 51-61;

GEORGOPOULOS, Aris, *The new European Defence Agency: major development or big leaf?*, in PPLR, n.º 14, 2005, pp. 103 e segs.

GEORGOPOULOS, Aris, *US Air Force Tanker Contract: revisiting american protectionism in defence procurement*, in PPLR, n.º 4, 2008, NA162-NA164

GÉRADIN, Damien (org.), *The liberalisation of state monopolies in the European Union and beyond*, n.º 23, Kluwer, Haia, 2000

GÉRADIN, Damien, *La place du droit de la concurrence dans le futur ordre juridique communautaire*, Concurrences, n.º 1 – 2008, pp. 2-29

GERARD, Damien, *EU Competition policy after Lisbon: time to review the “state action doctrine”?*, in Journal of European Competition Law & Practice, n.º 3, Outubro de 2010, pp. 202-210

GERBER, David J., *Law and competition in twentieth century europe: protecting prometheus*, Oxford University Press, 1998

GORDON, Harvey, RIMMER, Shane e ARROWSMITH, Sue, *The Economic impact of the European Union Regime on Public Procurement: Lessons for the WTO*, in The World Economy, 1998, vol. 21, issue 2, pp. 159-187

GOVAERE, Inge e EECKHOUT, Piet, *On dual use goods and dualist case law: the Aime Richardt Judgment on Export Controls*, in Common Market Law Review, n.º 29, 1992, pp. 941-965

GRAELLS, Albert Sanchez, *Competition law against public restraints in the public procurement field: importing competition considerations into the EU public procurement directives*, paper apresentado na Universidade de Nottingham – em 19/20, de Abril de 2010

GRAELLS, Albert Sanchez, *Distortions of Competition Generated by the Public (Power) Buyer: A Perceived Gap in EC Competition Law and Proposals to Bridge It*, Working Paper 23, Oxford, Centre for Competition Law and Policy, 2010



FACULDADE DE DIREITO
Universidade de Lisboa

- GRILLER, Stefan**, *International Economic Law as a means to further Human Rights? Selective purchasing under the WTO Agreement on Government Procurement*, in Stefan Griller (ed.) *International Economic Governance and Non-economic concerns*, Springer, Nova Iorque, 2003, pp. 267-286
- GUEZOU, Olivier**, *Droit Communautaire de la Concurrence et Achats: Certains Demandeurs Sont des Offreurs comme les Autres. Note sous FENIN*, CP-ACCP, 59, de Setembro de 2003, pp. 59-63
- GUEZOU, Olivier**, *Droit de la Concurrence et Contrats Publics. Contentieux Administratif et Pratiques Anticoncurrentielles*, in *Contrats Publics. Melanges en l'honneur du Professeur Michel Guibal*, volume I, Université Montpellier, 2006, pp. 107-140
- HAAGSMA, Auke**, *Gordian Knots in Relation to the GPA: myth or reality*, *Academia de Direito de Trier*, vol. 24, 1997
- HAMMER, Peter J. e SAGE, William M.**, *Monopsony as an Agency and Regulatory Problem in Health Care*, in *Antitrust Law Journal*, vol. 71, 2004, pp. 949 e segs.
- HANLEY, Colleen**, *Avoiding the issue: the commission and human rights conditionality in public procurement*, in *European Law Review*, volume 27, n.º 6, Dezembro de 2002, pp. 714-735
- HARTLEY, Keith e SANDLER, Todd**, *The economics of defence spending*, Routledge, Londres, 1990
- HATZOPOULOS, Vassilis**, *Public procurement and state aid in National Healthcare Systems*, *Research papers in Law, cahiers juridiques*, College of Europe, Brugge, n.º 1, 2008
- HEUNINCKX, Baudouin**, *Defence procurement: the most effective way to grant illegal state aid and get away with it...or is it?*, in *Common Market Law Review*, n.º 46, 2009, pp. 191-210
- HEUNINCKX, Baudouin**, *The European Defence Agency Electronic Bulletin Board: a survey after two years*, in *PPLR*, n.º 2, 2009, p. 44
- HEUNINCKX, Baudouin**, *Towards a coherent European defence procurement regime? European defence agency and European Commission initiatives*, in *PPLR*, n.º 1, 2008, p. 4
- HILLGER, Jens**, *The award of a public contract as State Aid within the meaning of article 87.º, n.º 1*, in *PPLR*, n.º 3, 2003, pp. 109-130
- HOEKMAN, Bernard e MAVROIDIS, Petros**, *The WTO's Agreement on Government Procurement: expanding discipline, declining membership*, in *PPLR*, vol. 4, 1995, pp. 63-79
- HOLZL, Franz Josef**, *The exemption of contracts from tender procedures on the basis of state security: the case of OLG Dusseldorf*, in *PPLR*, n.º 5, 2004, NA144-146
- HUNJA, Robert R.**, *Obstacles to Public Procurement Reform in Developing Countries*, in Sue Arrowsmith and Martin Trybus (editors) *Public Procurement: The Continuing Revolution*, Kluwer Law International, 2003, pp. 21 e segs.
- IDOT, Laurence**, *Commande publique et droit de la concurrence: un autre regard*, *Concurrences*, n.º 1, 2008, pp. 52-63.
- JACKSON, John H.**, *World Trade and the Law of GATT*, Bobbs-Merrill, Indianapolis, 1969
- JEANRENAUD, Claude**, *Marchés publics et politique économique*, in *Annales de L'Économie Publique, Sociale et Coopérative*, n.º 72, 1984
- KARAYIGIT, Mustafa T.**, *Under the triangle of competition, state aid and public procurement: public undertakings entrusted with the operation of services of general economic interest*, in *European Competition Law Review*, 2009, pp. 542-563
- KATTEL, Rainer e LEMBER, Veiko**, *Public procurement as an industrial policy tool: an option for developing countries?*,



FACULDADE DE DIREITO
Universidade de Lisboa

in Journal of Public Procurement, volume 10, issue 3, pp. 368-404

KIM, Dong-Hun, *Political institutions and the government procurement agreement of the WTO*, in PPLR, n.º 1, 2009, pp. 1-17

KIRKWOOD, John B., *Buyer power and exclusionary conduct: Should Brooke Group set the standards for buyer-induced price discrimination and predatory bidding?*, in

KOVACIC, William E., MARSHALL, Robert C., MARX, Leslie M. e RAIFF, Matthew E., *Bidding rings and the design of anti-collusive measures for auctions and procurements*, in Nicola Dimmitri, Gustavo Piga e Giancarlo Spagnolo (eds.), *Handbook of procurement*, Cambridge University Press, Cambridge, 2006, pp. 381-411

KOVACIC, William E., *The civil false claims act as a deterrent to participation in Public Procurement Markets*, in Supreme Court Economic Law review, volume 6, 1998, pp. 201-239

KOVAR, Robert, *Les achats publics et l'interdiction des aides d'État*, in Contrats et Marchés Publics, n.º 9, Agosto 2004, pp. 5-9

KREISBERGER, Ronit, *FENIN: immunity from competition law attack for public buyers*, in PPLR, 6, 2006, NA214-NA216

KRUGMAN, Paul e OBSTFELD, Maurice, *International economics: theory and practice*, Reading, 2000, 5.ª edição

KRUGMAN, Paul, *Geography and trade*, MIT Press, Cambridge, 1991

KUIJPER, Pieter Jan, *The conclusion and implementation of the Uruguay Round by the European Community*, in European Journal of International Law, 1995, n.º 6, pp. 222-224

KUIJPER, Pieter Jan, *The New WTO Dispute Settlement System – The Impact on the European Community*, in The Journal of World Trade, n.º 6, 1995, pp. 49-71

KUNZLIK, Peter, *“Green procurement” under the new regime*, in Ruth Nielsen e Steen Treumer (org.), *The new EU Public Procurement Directives*, DJOF, Copenhagen, 2005, pp. 117-148

KUNZLIK, Peter, *Environmental issues in international procurement*, in Sue Arrowsmith e A. Davies (eds.), *Public Procurement: global revolution*, Londres, Kluwer Law International, 1999

KUNZLIK, Peter, *The procurement of “green” energy*, in SUE ARROWSMITH e PETER KYUNZLIK (org.), *Social and Environmental Policies in EC Procurement Law*, Cambridge University Press, Cambridge, 2009, pp. 369-407

KURTH, James, *The common defense and the world market*, in RAYMOND VERNON e ETHAN B. KAPSTEN, *Defense & Dependence in a global economy*, Congressional Quarterly, Washington, 1992, pp. 207-226

LAFFONT, Jean-Jacques, TIROLE, Jean, *A theory of incentives in procurement and regulation*, MIT Press, Cambridge, Massachusetts, 1993

LAMBERT-MOGILIANSKY, Ariane e SONIN, Konstantin, *Collusive market-sharing and corruption in procurement*, working paper n.º 25, 2005, Paris-Jourdan Sciences Economiques

LANDE, Robert H., *Beware buyer power*, in Legal Times, Vol. 27, n.º 28, 12 de Julho de 2004

LEE, Hwang, *Influencing a global agenda: implications of the modernization of european competition law for the WTO*, in Erasmus Law and Economics Review, n.º 1, n.º 2, June 2004, pp. 111-141

LEFEVRE, Philippe, *Les considérations sociales et environnementales dans les marchés publics européens*, in Journal des Tribunaux, Droit europeen, Dezembro 2000, pp. 24 e segs.

LEFFLER, H., *Damages liability for breach of EC procurement law: governing principles and practical solutions*, in PPLR, n.º 12, 2003, p. 151 e segs



FACULDADE DE DIREITO
Universidade de Lisboa

- LENAERTS, Koen e NUFFEL, Piet Van**, *Constitutional Law of The European Union*, Sweet & Maxwell, Londres, 2.^a edição, 2005
- LICHÈRE, François**, *Règles de concurrence et marchés publics*, in *La semaine Juridique Administrations et Collectivites Territoriales*, n.º 44, 29 Octobre 2007, n.º 2284
- LINDITCH, Florian**, *Concurrence et marchés publics: les bonnes feuilles du rapport du conseil de la concurrence*, in *La semaine juridique administrations et collectivites territoriales*, n.º 5, 30 Janvier 2006, p. 1024
- LINDITCH, Florian**, *Le droit des marchés publics*, Dalloz, Paris, 2000
- LOEWENTHAL, Paul-John**, *The Defence of “Objective Justification” in the Application of Article 82 EC*, in *World Competition*, n.º 28, Dezembro 2005, pp. 455-477
- LOURI, Victoria**, *“Undertaking” as a Jurisdictional Element for the Application of EC Competition Rules*, in *Legal Issues of Economic Integration*, n.º 29, 2002, pp. 143–176
- LOURI, Victoria**, *The FENIN Judgment: The Notion of Undertaking and Purchasing Activity. Case T-319/99, Federación Nacional de Empresas de Instrumentación Científica, Médica, Técnica y Dental v. Commission*, in *Legal Issues of Economic Integration*, n.º 32, 2005, pp. 87-97
- LOW, Patrick, MATTOO, Aaditya e SUBRAMANIAN, Arvind**, *Government procurement in services*, in *World Competition*, vol. 20, n.º 1, Setembro de 1996, pp. 10 e segs
- LUFF, David**, *Le droit de l’organisation mondiale du commerce – analyse critique*, Bruylant, Bruxelas, 2004
- LUKAS, Martin**, *The Role of Private Parties in the enforcement of the uruguay Round Agreements*, in *Journal of World Trade*, vol. 29, n.º 5, 1995, pp. 181-206
- MADURO, Miguel Poiares**, *L’Etat-cameleon: formes publique et privee de l’homo economicus*, in AAVV (org.), *Melanges en l’honneur de Philippe Leger*, Editions Pedone, Paris, 2006, pp. 79-92
- MADURO, Miguel Poiares**, *We the court. The European Court of Justice and the European Economic Constitution. A critical reading of article 30 of the EC Treaty*, Hart Publishing, 1998
- MARAIS, Bertrand Du**, *Le droit de la commande publique est-il un droit de la concurrence*, in *Gazette du Palais*, ano 127, n.º 84-86, 2007, pp. 1-5
- MARCHEGANI, Giannangelo**, *Les relations in-house et le syndrome du cheval à bascule – quelques considerations à propos de l’arrêt Stadt Halle*, in *Revue du Marché Commun et de l’Union Européenne*, n.º 494, Janeiro de 2006, pp. 47-57
- MARSHALL, Robert C., RAIFF, Matthew E., RICHARD, Jean-Francois e SCHULENBERG, Steven P.**, *The Impact of Delivery Synergies on Bidding in the Georgia School Milk Market*, in *Topics in Economic Analysis & Policy*, Volume 6, Issue 1, 2006, article 5
- MARTIN, Fernandez e STEHMANN, Oliver**, *Product market integration versus regional cohesion in the Community*, in *European Law Review*, n.º 16, 1991, pp. 230-240
- MARTIN, Fernandez**, *The EC Public Procurement Rules: a critical analysis*, Clarendon Press, Oxford, 1996
- MARTIN, S. e HARTLEY, Keith**, *The UK experience with off-sets*, in S. Martins (org.), *The economics of off-sets: defence procurement, and countertrade*, Harwood, Amesterdão, 1996, pp. 351-352
- MARTY, Nicolas**, *Contracts Publics et Droit Européen des droits de l’homme*, in *Contrats Publics*, Melangens en l’honneur du Professeur Michel Guibal, volume I, Université Montpellier, 2006, pp. 321-344
- MATSUSHITA, Mitsuo**, *Major WTO dispute cases concerning government procurement*, *Asian Journal of WTO and*



FACULDADE DE DIREITO
Universidade de Lisboa

International Health Law and Policy, vol. 1, n.º 2, 2006, pp. 299-316

MATTOO, Aaditya, *The government procurement agreement: implications of economic theory*, staff working paper TISD-96-03, Outubro de 1996, also in SIMON J. EVENETT e BERNARD HOEKMAN, *The WTO and Government procurement*, Edward Elgar, USA, pp. 276-301

MAYER, Wolfgang, *The National Defence Tariff Argument Reconsidered*, in Journal of International Economics, n.º 7, pp. 363-377

MCAFEE, R. Preston e MCMILLAN, John, *Bidding for contracts, a principal agent analysis*, in Rand Journal of Economics, 1986, vol. 17, n.º 3, pp. 326-338

MCAFEE, R. Preston e MCMILLAN, John, *Government procurement and international trade*, in Journal of International Economics, 26, 1989, pp. 291-308, also in SIMON J. EVENETT e BERNARD HOEKMAN, *The WTO and Government procurement*, Edward Elgar, USA, pp. 329-346

McCAFEE, R. Preston e McMILLAN, John, *Incentives in government contracting*, Université de Toronto, 1998

McCRUDDEN, Christopher e GROSS, Stuart G., *WTO Government Procurement rules and the local dynamics of procurement policies: a malaysian study*, in The European Journal of International Law, vol. 17, n.º 1, 2006, pp. 151-185

McCRUDDEN, Christopher, *Buying Social Justice – Equality, Government Procurement and Legal Change*, Oxford University Press, Oxford, 2007

McCRUDDEN, Christopher, *EC public procurement law and equality linkages: foundations for interpretation*, in SUE ARROWSMITH e PETER KYUNZLIK (org.), *Social and Environmental Policies in EC Procurement Law*, Cambridge University Press, Cambridge, 2009, pp. 271-309

McCRUDDEN, Christopher, *International economic law and the pursuit of Human Rights: a framework for discussion of the legality of “selective purchasing” laws under the WTO procurement agreement*, in Journal of International Economic Law, vol. 2, n.º 1, 1999, pp. 3-48

McCRUDDEN, Christopher, *Social policy issues in public procurement: a legal overview*, in Sue Arrowsmith e Arwel Davies (org.), *Public procurement: global revolution*, Kluwer International, 1999, capítulo 12

McGOLDRICK, Dominic, *International relations law of the European Union*, New York, Longman, 1997

MOUGEOT, Michel e NAEGELEN, Florence, *A political economy analysis of preferential public procurement policies*, in European Journal of Political Economy, volume 21, issue 2, Junho de 2005, pp. 483-501.

MOUGEOT, Michel e NAEGELEN, Florence, *La concurrence pour le marché*, in Revue d'Économie Politique, volume 115, issue 6, 2005, pp. 739-778.

MOUGEOT, Michel e NAEGELEN, Florence, *Les marchés hospitaliers. Analyse théorique et application aux achats des pharmacies hospitalières*, Paris, Economica, 1984

MOUGEOT, Michel e NAEGELEN, Florence, *Marchés Publics et théorie économique: un guide pour l'acheteur*, in Revue d'Économie Politique, n.º 107 (1), Janeiro-Fevereiro 1997, pp. 3-31

MOUGEOT, Michel, *Analyse économique du code des marchés publics*, in Revue Économique, n.º 4, Julho de 1988, pp. 725-752

MUNRO, Catriona, *Competition law and public procurement: two sides of the same coin*, in PPLR, 2006, n.º 6, pp. 352-361

MURIS, Timothy J., *State intervention/State action – A U.S. perspective*, in Annual Proceedings of the Fordham Corporate Law Institute, 2004, pp. 531-537



FACULDADE DE DIREITO
Universidade de Lisboa

- NAEGELEN, Florence**, *L'attribution des marchés en fonction de l'offre économiquement la plus avantageuse*, in *Économie et Prévision*, n.º 132-133, 1998, pp. 103-120
- NEERGAARD, Ulla B.**, *Competition & competences: the tensions between european competition law and anti-competitive measures by the member states*, DJOF, Copenhaga, 1998
- NEERGAARD, Ulla B.**, *Public Service Concessions and Related Concepts—The Increased Pressure from Community Law on Member States' Use of Concessions*, in PPLR, n.º 6, 2007, pp. 387–409
- NEERGAARD, Ulla B.**, *State Action and European Competition Rules: a new path?*, in *Maastricht Journal of European and Comparative Law*, n.º 6, 1999, pp. 380-396
- NEERGAARD, Ulla B.**, *The Concept of Concession in EU Public Procurement Law versus EU Competition Law and National Law*, in Ruth Nielsen e Steen Treumer (org.), *The new EU Public Procurement Directives*, Djof, Copenhaga, 2005, pp. 149-182
- NEUWAHL, Nanette**, *Le droit des particuliers d'invoquer les accords internationaux de la communauté européenne devant les cours nationales*, in *Revue québécoise de droit international*, 2002, n.º 15.2, pp. 39-55
- NICHOLAS, Caroline**, *The UNCITRAL model law on procurement – the current reform programme*, in PPLR, n.º 6, 2006, NA161-166
- NICINSKI, Sophie**, *Droit public de la concurrence*, LGDJ, Paris, 2005
- NICINSKI, Sophie**, *Les Évolutions du Droit Administratif de la Concurrence*, in *Actualité Juridique*, 2004, n.º 14, pp. 751–760
- NICOLAIDES, Phedon**, *The Balancing Myth: The Economics of Article 81(1) & (3)*, in *Legal Issues of Economic Integration*, n.º 32, 2005, n.º 2, pp. 123-146
- NIELSEN, Henrik Karl**, *Public procurement and international labour standards*, in PPLR, n.º 2, 1995, pp. 94-101
- NOLL, Roger G.**, *Buyer power and economic policy*, in *Antitrust Law Journal*, vol. 72, 2005, n.º 2, pp. 589 – 624;
- NOONAN, Chris**, *The Emerging Principles of International Competition Law*, Oxford University Press, Oxford, 2008
- NOTARO, Nicola**, *L'integration de l'accord international sur les marchés publics dans l'ordre juridique communautaire: aboutissement ou commencement*, in *Revue de Merché Unique Europeén*, n.º 2, 1998, pp. 203-227
- OCDE**, *Council Recommendation Concerning Effective Action against Hard Core Cartels*, 1998
- OCDE**, *Competition in bidding markets*, paper, 2006
- OCDE**, *Hard Core Cartels - Recent progress and challenges ahead*, 2003
- OCDE**, *Roundtable on monopsony and buyer power*, DAF/COMP/WD(2008)79, 2008
- OCDE**, *Transparency in Government Procurement: the beneficts of efficient governance*, TD/TC/WP/(2002)21/Rec2/14 de Abril de 2003
- ODUDU, Okeoghene**, *The boundaries of EC competition law: the scope of article 81*, Oxford University Press, 2006
- OFT**, *Assessing the impact of Public Sector Procurement on Competition*, Setembro de 2004
- OFT**, *The competition Act 1998 and public bodies*, policy note 1/2004
- PEERS, Steve**, *Banana Split: WTO Law and Preferential Agreements in the EC Legal Order*, *European Foreign Affairs Review*, n.º 42, 1999, pp. 195-214
- PEERS, Steve**, *Fundamental Rights or Political Whim? WTO Law and the European Court of Justice*, in *the EU and the WTO – Legal and constitutional issues*, G. De Búrca e J. Scott, Hart Publishing, Oxford, 2001, pp. 115 e segs.



FACULDADE DE DIREITO
Universidade de Lisboa

- PFISTER, Etienne**, *Puissance d'achat et politique de concurrence*, in *Concurrences*, n.º 1-2009, pp. 34-41
- PICZAK, C. Todd**, *The Helms-Burton Act: U.S. Foreign Policy Toward Cuba, the National Security Exception to the GATT, and the Political Question Doctrine*, in *University of Pittsburgh Law Review*, n.º 61, 1999, pp. 287 e segs.
- PITSCHAS, Christian, e PRIESS, Hans-Joachim**, *Secondary criteria and their compatibility with EC and WTO procurement law – the case of the german scientology declaration*, in *PPLR*, n.º 4, 2000, pp. 175-195
- PORTER, Robert H. e ZONA, John Douglas**, *Detection of bid rigging in procurement auctions*, in *Journal of Political Economy*, n.º 101, U.S.A., Junho 1993, p. 518-538
- PORTER, Robert H. e ZONA, John Douglas**, *Ohio School Milk Market: an analysis of bidding*, in *Rand Journal of Economics*, vol. 30, U.S.A., summer 1999, pp. 263-288
- POSNER, Richard e ROSENFELD, Andrew M.**, *Impossibility and related doctrines in contract law: an economic analysis*, in *Journal of Legal Studies*, n.º 6, 1977, pp. 83-118
- PRIESS, Hans-Joachim e HOLZL, Franz Josef**, *Trust is good – control even better: german higher administrative court reviews military procurement decision*, in *PPLR*, n.º 5, 2005, NA128-135
- PRIESS, Hans-Joachim**, *Public Procurement in the European Union: the new GATT Agreement on Government Procurement*, in *International Trade Law & Regulation*, n.º 2, 1996, pp. 49-62
- PROSSER, Tony**, *The Limits Of Competition Law: markets and public services*, Oxford University Press, 2005
- RAPP, Lucien**, *Les progrès de l'analyse économique des contrats publics. Le risque d'exploitation dans les délégations de service public*, BJCP, Março de 2000
- RAVOIRE, Jean**, *La détection de pratiques anticoncurrentielles*, in *Contrats Publics*, n.º 99, Maio 2010, pp. 45-47
- REICH, Arie**, *International public procurement law: the evolution of international regimes on public purchasing*, The Hague, Boston, Kluwer Law International, Haia, 1999.
- REICH, Arie**, *The new GATT Agreement on Government Procurement: The Pitfalls of Plurilateralism and Strict Reciprocity*, in *Journal of World Trade*, n.º 2, vol.31, Abril de 1997, pp. 133 e segs.
- REICH, Arie**, *The New Text of the Agreement on Government Procurement: An Analysis and Assessment paper*, disponível em <http://ssrn.com/abstract=1326620>
- REICH, Norbert**, *The November Revolution of the European Court of Justice: Keck, Meng e Audi Revisited*, in *Common Market Law Review*, n.º 31, 1994, pp. 459 e segs.
- REICHELSTEIN, Stefan**, *Constructing incentive schemes for government contracts: an application of agency theory*, paper, 1992
- REICHELSTEIN, Stefan**, *Incentives in government contract*, paper, 1982
- RILEY, Alan**, *The EU Reform Treaty and the Competition Protocol: undermining EC Competition Law*, in *European Competition Law Review*, n.º 12, 2007, pp. 703-707
- RODGER, Barry J.**, *The Competition Act 1998 and State Entities as Undertakings: Promises to Be an Interesting Debate*, Working Paper No. 1, Cla SF, 2003
- ROSCH, J. Thomas**, *Monopsony and the meaning of “consumer welfare” – a closer look at Weyerhaeuser*, paper, 2006
- ROSE-ACKERMAN, Susan**, *The economic analysis of public law*, in *European Journal of Law and Economics*, vol. 1, n.º 1, Março de 1994, pp. 53-70
- ROSS, Malcolm G.**, *Promoting Solidarity: From Public Services to a European Model of Competition?*, in *Common Market*



FACULDADE DE DIREITO
Universidade de Lisboa

Law Review, n.º 44, 2007, pp. 1057-1080.

ROTH, Wulf-Henning, *Case C-205/03 – FENIN*, in *Common Market Law Review*, 44, n.º 4, 2007, pp.

ROTH, Wulf-Henning, *Economic justifications and the internal market*, in AAVV., *Liber Amicorum Piet Jan Slot*, Wolters Kluwer, 2009, pp. 73-90

ROUSSEVA, Ekaterina, *The Concept of ‘Objective Justification’ of an Abuse of a Dominant Position: Can it Help to Modernise the Analysis under Article 82 EC?*, in *The Competition Law Review*, volume 2, issue 2, Março 2006

SANTONI, Michele, *Discriminatory procurement policy with cash limits can lower imports: an example*, Departmental Working Papers, 2001-03, Department of Economics University of Milan, Italy

SCHEDE, Christian, *The “Trondheim provision” in the WTO agreement on government procurement: does this “major revision” live up to the needs of the private sector?*, in *PPLR*, n.º 5, 1996, pp. 161-185

SCHEPEL, Harm, *Delegation of Regulatory Powers to Private Parties under EC Competition Law: Towards a Procedural Public Interest Test*, in *Common Market Law Review*, n.º 39, 1, 2002, pp. 31-51

SCHNITZER, Johannes Siegfried, *The external sphere of public procurement: bi-regional trade relations from the perspective of the European community*, in *PPLR*, n.º 2, 2005, pp. 63-90

SCHOONER, Steven L., *Desiderata: objectives for a system of government contract law*, in *PPLR*, n.º 11, 2002, pp. 103 e segs.

SCHOONER, Steven L., *Pondering the Decline of Federal Government Contract Litigation in the United States*, in *PPLR*, n.º 8, 1999, pp. 242-248

SCHWEITZER, Heike, *Competition Law and Public Policy: Reconsidering an Uneasy Relationship. The Example of Art. 81*, European University Institute Working Papers, Law, 2007/30

SCOTT, Joanne, *The GATT and Community Law: rethinking the regulatory gap*, in Jo Shaw e Gillian More, (dir.), *New Legal Dynamics of European Union*, New York, Oxford University Press, 1995, pp. 147 e segs.

SEMMELMANN, Constanze, *The Future Role of the Non-Competition Goals in the Interpretation of Article 81 EC*, in *Global Antitrust Review*, issue 1, 2008, pp 15-47

SIERRA, Jose Luis Buendia, *Exclusive rights and state monopolies under EC law*, Oxford University Press, 1999

SIMONSSON, Ingeborg, *Privatisation and state aid – time for a new policy*, in *European Competition Law Review*, n.º 26, n.º 8, 2005, pp. 460-467

SKILBECK, Jennifer, *Just when is a public body an “undertaking”? FENIN and BetterCare Compared*, in *PPLR*, n.º 12, 2003, NA75

SKILBECK, Jennifer, *The circumstances in which a public body may be regarded as na “undertaking” and thus subject to the competition act 1998 solely because of its function as a purchaser of particular goods or services: BetterCare Group Limited v. The Director General of Fair Trading*, in *PPLR*, n.º 12, 2003, NA 71

SKILBECK, Jennifer, *The EC Judgment in AOK: Can a Major Public Sector Purchaser Control the Prices it Pays or is it Subject to the Competition Act? Cases C – 264/01, C – 306/01, C – 354/01 and C – 355/01: AOK Bundesverband v Ichthyol ECJ, March 16, 2004*, in *PPLR*, n.º 13, 2004, NA95

SLOT, Piet Jan, *Applying the competition rules in the healthcare sector*, in *European Competition Law Review*, vol 24, issue 11, 2003, pp. 580-593

SOREIDE, Tina, *Corruption in public procurement paper*, 2002, disponível em



FACULDADE DE DIREITO
Universidade de Lisboa

<http://www.cmi.no/publications/file/?1972=corruption-in-public-procurement>

- SOUTY, François**, *La State Action Doctrine aux USA: contribution sur le contrôle des pratiques anticoncurrentielles d'origine publique*, in *Concurrences*, n.º 4, 2006, pp. 56-62
- SPECTOR, David**, *Addressing buyer power in merger control*, in *Concurrences*, n.º 3, 2008, pp. 34-39
- SPECTOR, David**, *The antitrust economics of bidding markets*, in *Concurrences*, n.º 2-2007, n.º 13.586, pp. 23-28
- SPENNERMANN, C.**, *The WTO agreement on Government Procurement – a means of furtherance of Human Rights*, n.º 4, *Zeitschrift*, vol. 4, issue 1, 2001, pp. 43-95
- STEMPKOWSKI, Martin e DISCHENDORFER, Martin**, *Case comment: the interplay between the EC rules on public procurement and state aid*, in *PPLR*, n.º 11, 2002, NA47
- STERGIOU, Hélène M.**, *The Increasing Influence of Primary EU Law and EU Public Procurement Law: Must a Concession to Provide Services of General Economic Interest be Tendered?*, in Johan W. van de Gronden (ed.), *The EU and WTO law on services: limits to the realisation of general interest policies within the services markets?*, Kluwer Law International, 2009, pp. 159-184.
- STIGLER, George J.**, *A theory of oligopoly*, in *Journal of Political Economy*, 1964, 72 (1), pp. 44-61
- STIGLITZ, Joseph E.**, *Économics of the Public Sector*, 3ª Edição, 2000
- SVETLICINII, Alexandre**, *Back to the basics: concepts of undertaking and economic activity in the SELEX judgment*, in *European Law Reporter*, n.º 12/2009, pp. 422-427
- SZYSZCZAK, Erika**, *Regulation Of The State in Competitive Markets in the EU (Modern Studies in European Law)*, Hart Publishing, Oxford, 2007
- SZYSZCZAK, Erika**, *State Intervention and the Internal Market*, in D. O'Keefe and T. Tridimas (org.), *EU Law for the 21st Century*, Hart Oxford, 2004, pp. 235 e segs.
- SZYSZCZAK, Erika**, *The provision of Public Service in Competitive Markets*, in *Yearbook of European Law*, 2001
- THAI, Khi V.**, *Public procurement re-examined*, in *Journal of Public Procurement*, volume 1, issue 1, 2001, pp. 9-50
- THIELE, Dominic**, *The legal status of the WTO in community law*, paper, Julho 2002
- TIMMERMANS, Christian W. A.**, *The implementation of the Uruguay Round by the E.C.*, in BOURGEOIS, BERROD e FOURNIER (org.), *The Uruguay Round Results*, 1995, pp. 501 e segs.
- TIROLE, Jean**, *The Theory of industrial organization*, MIT Press, 1988
- TOBLER, Christina**, *Encore “women`s clauses” in public procurement under Community law*, in *European Law Review*, n.º 25 (6), 2000, pp. 618-631
- TOWNLEY, Christopher**, *Article 81 EC And Public Policy*, Hart Publishing, 2009
- TREPTE, Peter**, *Public procurement in the EU – a practitioner`s guide*, 2.ª edição, Oxford University Press, 2007 Oxford University Press, Oxford, 2007
- TREPTE, Peter**, *Regulating procurement: understanding the ends and means of public procurement regulation*, New York, Oxford University Press, 2004
- TREPTE, Peter**, *The Agreement on Government Procurement*, in *A Comprehensive Guide to the WTO*, Springer, 2005, pp. 1126-1129
- TREPTE, Peter**, *The GATT GPA and the community procurement rules: realignment and modification*, in *Public Procurement Law Review*, n.º 4, 1995, pp. 42 e segs.



FACULDADE DE DIREITO
Universidade de Lisboa

- TREUMER, Steen e WERLAUFF, Erik**, *The leverage principle: secondary community law as a lever for the development of primary community law*, in *European Law Review*, n.º 28 (1), 2008, pp. 124-133
- TREUMER, Steen**, *The Discretionary Powers of Contracting Entities – Towards a Flexible Approach in the Recent Case Law of the Court of Justice?*, in *PPLR*, n.º 3, 2006, pp. 71-85
- TREUMER, Steen**, *The distinction between selection and award criteria in EC public procurement law – a rule without exception?*, in *PPLR*, n.º 3, 2009, pp. 103-111
- TRIANAFYLLOU, Dimitris**, *Les Règles de Concurrence et l'Activité Étatique y Compris les Marchés Publics*, in *Revue trimestrielle de droit européen*, n.º 32, janvier-mars, 1996, pp. 57-76
- TRIONFETTI, Federico**, *Discriminatory Public Procurement and International Trade*, in *The World Economy*, n.º 23, 2000, pp. 57-76, também publicado in SIMON J. EVENETT e BERNARD HOEKMAN, *The WTO and Government procurement*, Edward Elgar, USA, pp. 356-375
- TRIONFETTI, Federico**, *Government procurement, market integration and income inequality*, *Review of International Economics*, vol. 9 (1), 2001, pp. 29-41
- TRIONFETTI, Federico**, *Home-bias government procurement and international trade*, in *Public Procurement, The continuing revolution*, Kluwer Law International, Haia, 2003, PP. 223-234
- TRIONFETTI, Federico**, *Public expenditure and economic geography*, *Annales d'Economie et de statistique*, 47, 1997
- TRYBUS, Martin**, *Case C-337/05, case C-157/06*, in *Common Market Law Review*, n.º 46, 2009, pp. 985 e segs.
- TRYBUS, Martin**, *European Union Law and Defence Integration*, Hart Publishing, Oxford, 2005
- TRYBUS, Martin**, *Improving the efficiency of public procurement systems as part of the European Union enlargement process*, paper, 2006, p. 1 (também publicado in *Public Contract Law Journal*, n.º 35, 2006, pp. 409-425)
- TRYBUS, Martin**, *The EC Treaty as an instrument of European Defence Integration: Judicial Scrutiny of Defence and Security exceptions.*, in *Common Market Law Review* 39, 2002, pp. 1347-1372.
- TRYBUS, Martin**, *The limits of European competence for defence*, in *European Foreign Affairs Review*, 9, 2004, pp. 189-217
- TRYBUS, Martin**, *The list of hard defence products under article 296.º EC*, in *PPLR*, n.º 2, 2003, NA21
- TRYBUS, Martin**, *The new european defence agency: a contribution to a common european security and defence policy and a challenge to the community acquis?*, in *Common Market Law Review*, n.º 43, 2006, pp. 668-671
- TRYBUS, Martin**, *The recent judgement in Comission vs. Spain and the procurement of hard defence*, in *PPLR*, n.º 4, 2000, NA100
- UERPMANN, Robert**, *International Law as an element of European Constitutional Law: international supplementary constitutions*, Jean Monnet Working Paper n.º 9/03, Max Planck Institute, 2003
- ULLOA, Alfie A.**, *El mercado público y los acuerdos comerciales, un análisis económico*, Nações Unidas, CEPAL, Chile, 2006
- VASCIANNIE, Stephen Charles**, *The fair and equitable treatment standart in International investment Law and practice*, in *The British Book of International Law*, n.º 70, 2000, pp. 99-164
- WAELEBROECK, Michel**, *La place de la concurrence dans le traité de Lisbonne*, in *AAVV., Melanges en hommage à Georges Vandensanden*, Bruylant, Bruxelles, 2008, pp. 829-841
- WAINWRIGHT, Richard**, *Public procurement and social considerations*, in *European Law Reporter*, n.º 1, Janeiro de



FACULDADE DE DIREITO
Universidade de Lisboa

2002, pp. 9-13

WANG, Ping, *Note on Chinese Taipei's GPA accession*, in PPLR, n.º 3, 2009, NA121-122

WEBER, Rolf H. e MENOUD, Valerie, *Development promotion as a secondary policy in Public Procurement? – an answer in the light of the digital solidarity clause*, in PPLR, n.º 4, 2009, pp. 184-200

WEICHENRIEDER, Alfons J., *Public Procurement in the presence of capital taxation*, paper, Working paper n.º 257, Março de 2000

WEISS, Friedl e KALOGERAS, Dimitrios, *The principle of non-discrimination in procurement for development assistance*, in PPLR, n.º 1, 2005, pp. 1-14

WEISS, Friedl, *Public Procurement in European Community Law*, The Athlone Press, Londres, 1993

WEISS, Friedl, *The General Agreement on Trade in Services 1994*, in Common Market Law Review, 1995, n.º 5, pp. 1177-1225

WEISS, Linda, *Global governance, national strategies: how industrialized states make room to move under the WTO*, in Review of International Political Economy, n.º 12, Dezembro 2005, pp. 723-749

WELTZIEN, Kurt, *Avoiding the procurement rules by awarding contracts to an in-house entity – scope of the procurement directives in the classical sector*, in PPLR, n.º 5, 2005, pp. 237-255

WERDEN, Gregory J., *Monopsony and the Sherman Act: Consumer Welfare in a New Light*, paper, 2007

WHISH, Richard, *Competition law*, Lexisnexis Butterworths, 5.ª edição, 2003

WHISH, Richard, *Control of cartels and other anti-competitive agreements*, in Vinod Dhall (org.), *Competition Law Today: concepts, issues and the law in practice*, Oxford University Press, 2007, capítulo 1

WILLIAMS, Sope e EYO, Ama, *Fighting corruption in public procurement through the OECD: a review of recent initiatives*, in PPLR, n.º 3, 2009, NA103-113

WILLIAMS, Sope, *The debarment of corrupt contracts from World Bank Financed Contracts*, in Public Contract Law Journal, n.º 36 (3), pp. 277-306

WILLIAMS, Sope, *The mandatory Exclusions for Corruption in the New EC Procurement Directives*, in European Law Review, n.º 31 (5), 2006, pp. 711-734

WILLIAMS, Sope, *The mandatory exclusions for corruption in the new EC procurement directives*, paper disponível em http://www.nottingham.ac.uk/shared/shared_procurement/publications/Sope_Exclusions_in_proc.pdf

WILLIAMS, Sope, *The use of exclusions for corruption in developing country procurement: the case of South Africa*, in Journal of African Law, 51 (1), 2007, pp. 1-38

WILLIAMSON, Oliver E., *Franchise bidding for natural monopolies in general and with respect to CATV*, in The Bell Journal of Economics, vol. 7, n.º 1 (Spring 1976), p. 80

WINTER, Jan A., *Public Procurement in the EEC*, in Common Market Law Review, 28, 1991, pp. 741-782

WINTERSTEIN, Alexander, *Nailing the Jellyfish: Social Security and Competition Law*, in European Competition Law Review, 1999, pp. 324-333

WITTIE, Patricia H., *Transnational concerns: domestic preferences*, in PPLR, n.º 11 (2), 2002, pp. 145-154

WOOD, Diane P., *The WTO Agreement on Government Procurement: an antitrust perspective*, in Bernard M. Hoekman e Petros C. Mavroidis (eds.), *Law and Policy in Public Purchasing: the WTO agreement on government procurement*, Ann Arbor, University of Michigan Press, 1997



FACULDADE DE DIREITO
Universidade de Lisboa

WTO, *Analytical Index: Guide to GATT Law and Practice*, World Trade Organization, volume 1-2, 6ª Edição, Genebra, 1995
YUKNIS, Christopher R. e SCHOONER, Steven L., *Incrementalism: Eroding the impediments to a Global Public Procurement Market*, in *Journal of International Law*, vol. 38, n.º 529, Georgetown, 2007
ZERBE, Jr., Richard O., *Monopsony and the Ross-Simmons Case: A Comment on Salop and Kirkwood*, in *Antitrust Law Journal*, n.º 72, 2004, pp.717-725

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.