PUBLIC PROCUREMENT REGULATION IN THE EU AND IN ITS GLOBAL CONTEXT – DISTANCE LEARNING (PG DIP/MA)

STUDY WITH ONE OF THE TOP 10 UK LAW SCHOOLS (QS World Rankings)

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The programme aims to provide you with an up to date understanding of the EU procurement regime in the public sector and in the various other special procurement regimes under EU law. The programme will look not only at the effects of these regimes and their underlying policies, but will also look at the wider global context of the EU regime so that students will be able not only to work with confidence in EU procurement law, but also understand how their knowledge can be applied to regimes elsewhere in the world.

Students can progress to the MA if the PG Dip has been completed sucessfully.

**KEY INFORMATION**

**When does it start and how long is the programme?**
The programme is spread over 8 months starting in October and ending with an examination at a venue in central London in May.

**What are the entry requirements?**
Applicants for the Postgraduate Diploma/Masters in Public Procurement Regulation in the EU and in its Global Context must hold:

- A degree in law of a good second class standard or the equivalent thereof or
- A degree in a related discipline (good second class or higher) or be
- Qualified as a barrister or a solicitor
- Applications may also be accepted from a candidate who has achieved a comparative academic level through his or her past studies and where previous study, work or experience has made the applicant a suitable candidate for admission.

English Language requirements: Visit our admissions webpages to view our English language entry requirements. Please refer to Band B.

Go to: [www.kcl.ac.uk/study/postgraduate/apply/entry-requirements/english-language](http://www.kcl.ac.uk/study/postgraduate/apply/entry-requirements/english-language)

**Programme format and assessment**
- This is a distance learning programme, delivered via printed programme materials and a dedicated website.
- Two optional weekends of study in London, which are led by the programme director.
- The programme is assessed through a combination of coursework and examinations; 70 per cent of the programme is assessed by examination and 30 per cent is assessed by coursework.

**How much does it cost?**
Please go online to: [www.courses.knect365-learning.com/procurement](http://www.courses.knect365-learning.com/procurement) and see the Fees page for full details. An interest-free instalment plan is available. Please contact us for more details.
This programme has been specifically designed for professionals wishing to expand their knowledge and understanding of EU procurement law and regulation, while also placing that system within its wider international context.

Benefit from a highly relevant programme that:

- Details the purpose and effects of procurement regulation in achieving integrity, efficiency and better integrated markets
- Gives a detailed working knowledge of the EU system of procurement regulation in the public, utility and defence sectors
- Provides insights into modern procurement methods such as those made possible by electronic procurement and cross-border cooperation
- Develops your understanding of the expanding scope of policies being driven by procurement such as development of innovation, sustainability requirements and the need to meet the challenges set by new social policy requirements
- Outlines the wider transnational procurement systems applied by Development Banks and the promotion of further procurement goals through trade agreements and other international measures.

This programme is particularly suitable for:
- Lawyers in private practice or in the public sector
- In house legal advisers and officials dealing with practice or policy in the procurement field
- Procurement specialists who wish to add further legal expertise to their practical experience.

Graduates from this Programme typically work for:
- Law firms in London, Brussels and worldwide
- Public sector legal departments
- Corporate sector legal advisors
- European Institutions
- European Commission
- Competition commissions worldwide
- Regulatory bodies worldwide
- Private legal practice.

In the most recent survey, this well-respected and successful programme scored an impressive 91% for overall student satisfaction in the Postgraduate Taught Experience Survey (PTES)

WHO SHOULD STUDY THIS PROGRAMME?

Delivered by one of Europe’s leading centres in European Law

WHAT YOU WILL LEARN

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This programme is incredibly useful for established lawyers and practitioners who have no legal training but want to systematise their practical knowledge.

Eliza Niewiadorska, European Bank for Reconstruction and Development

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Michael Bowsher QC Monckton Chambers and Visiting Professor King’s College London

Michael Bowsher has been a member of Monckton Chambers since 2001 and he has built a diverse practice based around EU and commercial law. Michael is best known for his unique practice in public procurement. Michael Bowsher QC has appeared in many of the major UK procurement cases over the last decade. He is described as “the premier counsel bar none” in procurement and “the UK’s most prominent procurement silk” by Chambers & Partners whilst Legal 500 regards Michael as a “real authority on procurement law”. He has been heavily involved in representing and advising clients in claims for damages and injunctions regarding public and utilities procurement since the regime was first established in the UK. He continues to be involved in cases at the forefront of the fast developing area. As well as his involvement in numerous ongoing matters in England & Wales, he is also currently engaged in various matters in the courts of Northern Ireland and the Republic of Ireland. Michael will be leading academics from around the world, lawyers specialising in the field, as well as public sector lawyers involved in these matters at the US Air Force and the United Nations Commission on International Trade Law - benefit from their combined expertise to get the full picture!

Alexander Türk, Professor in Law and Vice-Dean Education, The Dickson Poon School of Law, King’s College London

Alexander Türk is a Professor in Law and Vice-Dean of Education at the Dickson Poon School of Law, King’s College London. Professor Türk studied history (MA) and law (first and second state exam) in Augsburg, Germany and he obtained an LLM in European Law at the College of Europe in Bruges, Belgium. He also holds a PhD from the University of London. Professor Türk is also Adjunct Professor at Georgetown University, Iowa University, and Pepperdine University, USA. He has published extensively on EU law, in particular its constitutional and administrative law aspects.

HOW YOU WILL LEARN

- The distance learning Postgraduate Diploma in Public Procurement Regulation in the EU and in its Global Context is structured into three modules of twelve units.
- Each unit comes in the form of hard copy print and as a PDF file via the Programme website.
- Questions will be set at the end of each unit and model answers to these will be sent with the unit that follows.
- Units are normally sent by post and overseas students will be sent their material by air courier.
- Students are expected to engage with the online platform during their studies.
- All students will be eligible to attend two optional weekend seminars at King’s College London.

ORGANISATIONS THAT HAVE ALREADY BENEFITED FROM THE PROGRAMME INCLUDE:

- European Commission
- Exeter City Council
- Finnish Competition and Consumer Authority
- Ministry of Water Resources, River Development & Ganga Rejuvenation, Government of India
- European Bank for Reconstruction and Development
- The Norwegian Complaints Board for Public Procurement
- European Central Bank

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The concept of selfcleaning
- Compensation
- Clarification of the facts
- Technical, organisational, personnel measures
- Debarment from an EU law perspective

Unit 5 - General Principles of EU Law
- Source of general principles of law in EU law; their role and practical significance in all areas of procurement law
- The role of discretion in applying procurement law
- What constitutes a breach of obligation under the rules or the principles?
- Specific Issues: Nontransparency criteria, bias, incumbency advantage
- Impact of general principles on contracts outside the Directives
- New light touch regimes in health, social and the other special sectors

Module 2
Application of Procurement Law Issues in the Face of Modern Challenges and the Need to Achieve Efficiency

Unit 6 - Public Procurement and the Wider Policy Agenda
To what extent can/should the following be pursued by a procurement policy?
- Environmental
- Social
- Public health agendas: How far does EU law enhance or hinder the ability to promote these goals?
- What are the challenges in applying criteria pursuing these wider agendas?

Module 7 - Flexibility in the system
Flexibility in the system
- Complex procurements: what do we mean by flexibility and why do we care?
- Flexibility in the application of the directives: circumstances when the directives have no effect or apply differently e.g. defence and security interests under Article 346 TFEU
- Flexibility in following the directives: when does the procurement call for flexibility or negotiation and what can be done? What are the legal limits on the use of this flexibility?
- Common difficulties in dealing with complex procurements
UNIT 8 - Central Purchasing Bodies and Other Purchasing Systems, Different Models of Framework Agreements and Issues with Electronic Procurement

- Organisational models for joint procurement in EU: CPBs, aggregation of public demand
- Different models of Framework Agreements and Dynamic Purchasing Systems
- Techniques and instruments for electronic procurement
- Cross border procurement issues

UNIT 9 - State Aid and Competition

The intersections between State aid, competition law and public procurement law including:

- State aid and competition law concerns that arise throughout the public procurement process, from the decision on whether or not to conduct a procurement process, the structuring of the competition, the submission and evaluation of tenders, the drafting of the contract, and even in the context of public procurement litigation
- The use of public procurement as a mechanism to shape markets or support particular types of undertakings
- The role and limitations of public procurement law compliance as a defence to State aid concerns
- The pro-and anti-competitive effects of procurement law regulation and compliance
- The particular intersection between State aid and competition law in the context of public passenger transport, which provides an excellent case study of the general principles

Unit 10

A) Utilities Sectors and Concessions

- Sectors covered in utilities
- Specific provisions and exemptions in utilities
- Mixed contracts, both classical and utilities procurements
- Definition of concessions
- Procurement processes
- Remedies for utilities and concessions

Andrea Sundstrann Associate Professor, Law Faculty Stockholm University

B) The Particularities of Defence Procurement from Three Perspectives

I. Worldwide
Significance of: volume, catalyst, symbolism & politics; dual-use technology; defence markets as monopsonies/oligopsonies; demand-driven (governments draft requirements); security of supply and information; defence offsets

II. European Union
Protectionism and the fragmentation of the EU arms market; the need for a separate defence directive; coverage and exclusion under Article 346 TFEU; Common Security and Defence Policy; arms trade with third countries

III. Foreign Systems and International Agreements
Military Alliances: the Entente Cordial, NATO, etc.; bilateral, regional, and multilateral trade agreements: WTO GPA, TTIP, etc.; EU international rules exemptions

APPLICATION CHECKLIST

When applying, you will need to include the following documents (please see the FAQ section of the website for full details):

1. An authenticated good copy of your Degree or Degree Transcript or your Practising Certificate.
2. An authenticated copy of your passport (or driving licence with a photo) showing your name and photograph.
3. A personal statement stating why you wish to follow this programme and how it relates to your previous experience.
4. A written reference on letterhead from a senior partner, head of chambers or from an academic institution or equivalent, who will vouch for your ability, interest and academic suitability to study the programme.
5. A jpeg headshot passport style photo.

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King’s College London, established in 1829 and a founding college of the University of London, is one of the world’s leading research and teaching universities, based in the very heart of London. King’s has an outstanding reputation for providing world-class teaching and has a particularly distinguished reputation in law. The Dickson Poon School of Law is recognised globally as one of the best law schools in the world* and is a centre of research with staff who are leaders in their fields. In 2014, The School was ranked 1st in the UK for quality of research in the official Research Excellence Framework.

The Centre of European Law, The Dickson Poon School of Law, King’s College London has a long tradition of teaching and research into all areas of European Union Law. The Centre enjoys a reputation of excellence for its distinguished programme of public events and for its postgraduate education. The Centre is at the forefront of EU law scholarship and is now closely engaged in the debate concerning the legal aspects of the new UK settlement and the legal implications of Brexit.

*2018 QS World University Rankings

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WHY TAKE A KNECT365 LEARNING COURSE?

Accessible – Designed with efficiency in mind. Apply course knowledge as you work

Flexible – take control of where, when, how and the rate at which you study

Professional – industry leading course directors and tutors

Quality – Established programmes - enviable reputation and exceptional ratings by students

Network – with tutors and like-minded professionals from around the world

ABOUT KNECT365 LEARNING

We are born out of Informa’s rich history in enhancing individuals and businesses with knowledge. Our learning solutions equip professionals with the capabilities and network they need to progress and drive performance.

Our insider knowledge is built upon our heritage, our network, and our experience. Over 40 years we’ve built industry-leading learning brands including Lloyd’s Maritime Academy and the International Faculty of Finance (IFF), tapping into Informa’s global network of unique resources and networks such as Informa Global Markets, Pharma Intelligence, Routledge and Taylor & Francis.

Our business is part of KNect365, a portfolio of learning, conferencing and networking brands centred around large professional communities in key industry verticals including Finance, Life Sciences and Telecoms, Media & Technology (TMT). This allows us to build learning journeys that matter to and impact individuals and businesses around the globe. We’re proud to be working with some of the best businesses, universities and 10,000+ professionals around the globe.

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