

Public Procurement of infrastructure projects and energy projects



Working session 7 – content

Commissions: International Business Law (IBLC) and Environmental/Energy Law

General Reporters:

- Per-Ola Bergqvist, Foyen Advokatfirma, Malmö/Stockholm, Sweden
- Jan Roliński, WKB Wierciński, Kwieciński, Baehr Sp. k., Warsaw, Poland

Working session 7 – content

09:00-09:15

Introduction, presentation of the national reports and the general reports

09:15-10:00

New Directives from the European Union on public procurement

Speaker: Rosa Isabel Peña Sastre, ROCA JUNYENT law firm, Barcelona, Spain.

"The new unholy trinity - a presentation in a nutshell of the changes of current European legislation on public procurement, with special focus on the Classic directive".

Moderator: Per-Ola Bergqvist, Foyen Advokatfirma, Malmö/Stockholm, Sweden

10:00-10:15

Coffee break

Working session 7 – content

10:15 – 11:00

Public procurement of large-scale infrastructural projects. Partnership or Dictatorship?

Speakers:

1. Andrzej Rybicki, legal counsel, head of legal department at Strabag Sp. z o.o., Poland.
“Applying for public contracts in road sector - general overview from contractor’s perspective”
2. Agnieszka Chwiałkowska, WKB Wierciński, Kwieciński, Baehr Sp. k., Poznan, Poland
“Employers’ needs vs Contractors’ expectations – how to procure successfully”.

Panel discussion:

Rosa Isabel Peña Sastre, ROCA JUNYENT law firm, Barcelona, Spain.
Dr. Hilka Eckardt; HEUKING KÜHN LÜER WOJTEK, Hamburg, Germany

Moderator: Jan Roliński, WKB Wierciński, Kwieciński, Baehr Sp. k., Warsaw, Poland

Working session 7 – content

11:00-12:00

Public procurement of large-scale energy projects – practical remarks from Employers’ perspective.

Speakers:

1. Karolina Pastuszak, attorney-at-law, Investment project lawyer, EDF Polska S.A, Warsaw, Poland

*“Power plant construction project scheme: EPC model or separate lots?
– case study: Development of gas power plant in Toruń”*

2. Mgr. Jiří Hes, senior lawyer, ČEZ, a. s.,
- ... *practical remarks in the field of the Employers’ perspective.*

Panel discussion:

Per-Ola Bergqvist, Foyen Advokatfirma, Malmö/Stockholm, Sweden

Agnieszka Chwiałkowska, WKB Wierciński, Kwieciński, Baehr Sp. k., Poznan, Poland

Moderator: Jan Rolinski, WKB Wierciński, Kwieciński, Baehr Sp. k., Warsaw, Poland

Working session 7 – general report

- National reports have been submitted from the following countries; Spain, Finland, Sweden, Poland, Lithuania, Brazil and Canada.
- Though a small number, the spread over Europe and the input from overseas countries, gives an interesting overview of the rules on public procurement in different countries.
- Lack of specific tools in legislation for projects of this kind and if there are any – they are seldom used, like works concessions.
- “*most economically advantageous tender*” is however the most used award criteria.
- Very common with appeals after the award of projects of this kind.
- “model contracts” – shattered picture – as well as for the participation of foreign bidders.
- Growing market for us ...