

Cooperative Agreements Between Public Authorities: The influence of CJEU case law on national legal systems (Ius Commune Europaeum)



In the last couple of decades, the national administrative law of the EU Member States has been influenced by case law from the Court of Justice of the European Union (CJEU). One of the main objectives of this book is to examine this influence and, more specifically, the influence of EU law on cooperation between public authorities. It examines how and to what extent EU public procurement law has an influence on the way a public authority organizes and discharges its public service tasks. The objective is limited to the cooperative agreements (public contracts and service concessions) concluded between public authorities as a means to organize or discharge public service tasks. Public authorities and private enterprises should be made aware of (as far as possible) the potential impact of EU law on certain types of cooperative agreements. This knowledge will prevent situations where the public authorities are post facto confronted with lawsuits that might force them to withdraw completely from cooperative associations that are already underway. It also enables private enterprises to be aware that, in this context, they may benefit from an open market. (Series: Ius Commune: European and Comparative Law - Vol. 135) [Subject: EU Law, Public Procurement Law]

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