

THE NEW PUBLIC SECTOR CONTRACTS ACT

Legislation governing public sector contracts is essential in managing the activities of public bodies, due to the amount of resources that are used in these contractual processes. The EU has repeatedly called upon the Spanish legislature to make a concerted and ongoing effort to adapt. Based on new approaches, *Law 30/2007 of 30th October, on Public Sector Contracts*, which will come into force on 30th April 2008, attempts to respond to the reiterated need to make such a transposition of EU rules. To this end, the legislature has abandoned the traditional contractual legislation scheme and the government has approved a bill that includes contracting in all public sector bodies and which is structured differently; a fact which may result in difficulty of comprehension, at least in an initial reading. To analyse the new features incorporated into this new law and study its contents, ESADE Law School (URL), in collaboration with *Trámite parlamentario y municipal* (Parliamentary and Municipal Proceedings) organised a conference on 15th February to explore and study this issue, entitled *The New Public Sector Contracts Act*. Interest in this event, which was attended by leading experts in the field, was evident from the high numbers of participants who filled the auditorium. Conference attendees were welcomed by Dr Pedro Miroso, Dean of ESADE Law School (URL), who introduced the event. The event format was comprised of two Working Sessions, each followed by its corresponding colloquium.

The first Working Session was moderated by Dr Manuel Férrez, Professor of Administrative Law at ESADE Law School (URL) and featured presentations by Dr Elisenda Malaret, Congressional Deputy and Professor of Administrative Law at the University of Barcelona (UB), and Dr Joaquín Tornos, Lawyer and Professor of Administrative Law at the University of Barcelona (UB). Dr Malaret, delivering her paper on *The Main Innovations of the Public Sector Contracts Act*, gave a general presentation of the Act, highlighting its major new features and outlining the rationale and objectives put forward by the legislature. With a sound knowledge of the new legislation, and having been *rapporteur* for the Act, she explained the reasons which have led to this major change in the design of public contracting in Spain. The intervention of Dr Joaquín Tornos was entitled *Subjective and Objective Scope in the Public Sector Contracts Act*. In dealing with this important issue, Dr Tornos explained the new general systematics of the Act in addition to synthetically reflecting on the different levels of implementation in accordance with the contracting parties (...).

The second Working Session was moderated by Dr Joaquín Borrell, Professor of Administrative Law at ESADE Law School (URL), Secretary-Minister of the Consultative Council of the Government of Catalonia, and included presentations by Mrs Mercè Piñol, Lawyer, and Dr José M^a Baño León, Professor of Administrative Law at the University of Valencia. The paper delivered by Mrs Piñol, entitled *Preparing and Adjudicating Contracts in the Public Sector Contracts Act*, focused on examining the new procedures for selecting and adjudicating contracts, and underscored the developments set out in the Act with a view to simplifying procedures, in addition to taking into consideration the different nature of the contracting party (...).

Lastly, the paper presented by Dr Baño León, entitled *Appeals in the Public Sector Contracts Act*, discussed the new legislation on contractual appeals. In particular, he analysed the introduction of the new administrative appeals procedure and the new precautionary measures, explaining the effects of this new appeal on processing and efficiency related to the adjudication of contracts (...).

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