



ADMITERE DOCTORAT 2017-2018

Prof. Univ. Dr. Dacian Dragoș

Themes and bibliography for the admission exam to the PHD school

Field: (European) Administrative law

Notes:

Materials are available upon request (dragos@fspac.ro)

The written exam and the interview will be conducted in English. Students have the possibility to pursue joint PhD with universities from the EU.

Previous scientific publications in the field or in connected fields constitute an advantage for the admission to the program

Theme 1: Administrative law in context

- a. The changing state
- b. Transforming judicial review
- c. Making the law, Rules and Discretion
- d. Regulation and governance, accountability
- e. Contractual governance
- f. ADR in administrative law and tribunals in transition

Bibliography:

C. Harlow, R. Rawlings, *Law and Administration*, Cambridge University Press, 2009, chapters 2-11

H. C. H Hoffmann, R. L. Weaver (eds), *Transatlantic perspectives on administrative law*, Bruylant 2011, Introduction, Part I and Part III.

S. Rose Ackerman, P. Lindseth (eds), *Comparative administrative law*, Edward Elgar 2010.

M. Ruffert (ed), *Legitimacy in European administrative law: Reform and Reconstruction*, Europa Law Publishing, 2011, chapters 1-5, 8-11, 13, 16.

Theme 2: Europeanisation of national administrative law

- a. Implementation of EU law in the national legal systems
- b. Mixed administration
- c. Equivalence and effectiveness, effective judicial protection
- d. Direct effect
- e. Consistent interpretation
- f. General principles of law
- g. Administrative enforcement
- h. State liability
- i. The service directive
- j. Alternative dispute resolution in administrative law



Bibliography:

J. H Jans, R. de Lange, S Prechal, R.J.G.M. Widdershoven, Europeanisation of public law, Europa Law Publishing, 2007

R. Caranta, A. Gerbrandy (eds), Traditions and Change in European Administrative Law, Europa Law Publishing, Groeningen-Utrecht, 2011

M. Eliantonio, Europeanisation of administrative justice? Europa Law Publishing, 2009

D.C. Dragos, B. Neamtu, "The Implementation of the Services Directive in Romania", in U. Stelkens, W. Weiss (eds), Implementation of Service Directive", TMC ASSER Press - Springer, 2012.

D.C. Dragos, B. Neamtu, "Europeanisation of Administrative Law in Romania: Current Developments in Jurisprudence and Legislation", Review of European Administrative Law, no. 1/2009, Europa Law Publishing.

D.C. Dragos, B. Neamtu (eds) Alternative Dispute Resolution in European Administrative Law, Springer, Heidelberg Berlin 2014, chapters 14, 16, 17, 18, 19.

Theme 3: Public procurement law under European influence

- a. SCOPE, DEFINITIONS AND GENERAL PRINCIPLES
- b. Mixed procurement
- c. THRESHOLDS
- d. Principles of procurement
- e. Procedures
- f. Conduct of the procedure
 - i. PREPARATION
 1. Preliminary market consultations
 2. Prior involvement of candidates or tenderers
 3. Technical specifications
 4. Labels
 5. Test reports, certification and other means of proof
 - ii. PUBLICATION AND TRANSPARENCY
 1. Contract notices
 2. Contract award notices
 - iii. CHOICE OF PARTICIPANTS AND AWARD OF CONTRACTS
 1. Criteria for qualitative selection
 2. Exclusion grounds
 3. Selection criteria
 4. European Single Procurement Document
 5. (e-Certis)
 6. Contract award criteria
 7. Life-cycle costing
 8. Abnormally low tenders
 - iv. Contract performance
 1. Conditions for performance of contracts
 2. Subcontracting



3. Modification of contracts during their term
4. Termination of contracts
- g. Outside the Directives but covered by the Treaties
- h. Strategic and sustainable public procurement

Bibliography:

DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

Francois Lichere, Roberto Caranta, Steen Treumer, Modernising public procurement: the new directive, DJOEF Copenhagen 2015.

D. Dragos, R. Caranta (eds), OUTSIDE THE EU PROCUREMENT DIRECTIVES, INSIDE THE TREATY? DJOEF Copenhagen, 2012, chapters 1, 7, 10, 11, 12

S Treumer, F. Lichere (eds), Enforcement of EU Public Procurement Rules, DJOEF Copenhagen, 2011, chapters 1, 2, 3, 5.

R. Caranta, M. Trybus (eds), The Law of Green and Social Public Procurement in Europe, DJOEF Publishing, Copenhagen, 2010, chapters 1, 8.

Theme 4: Public private partnerships in the EU

- a. Public markets and public services in the EU
- b. Concepts: Contracting authorities, Public contracts
- c. The procurement of PPP

Bibliography:

Ch. Bovis, Public private partnerships in the EU, Routledge 2014