

Faculty of Law



PUBL3503 Public real estate law (special part)

[7.5h]

Teacher(s): Pierre Nihoul
Language: French
Level: Third cycle

Main themes

This course is 15 hours in length. It consists of lectures of three consecutive hours and is based on applicable legislative and ruling texts. Students are required to read, understand and explain these texts as compared with decisions reached by the courts and doctrinal comments.

Content and teaching methods

The course is devoted to a study of procurement contracts.

An introductory lecture stresses the importance of transactions of this kind from a legal and economic point of view and Chapter I of the course then examines in detail the main legal rules. European laws are of course an integral part of the lectures.

In Chapter II, we study the scope of legal rules. There are two types of rules: one depends on the notion of "adjudicator power" (*rationae personae*), the other on the transactions involved (public works, supply or service) (*rationae materiae*).

In chapters III to XI, the successive steps in placing a procurement contract are reviewed in chronological order: selection of the method to place a procurement contract; contract documents; publicity; submission of the tender; qualitative selection of the tenders; legality of tendering; selection of the successful tenderer; conclusion of the contract; general duty to provide information and to state the reasons on which a decision is based.

Chapter XII reviews the general rules applied to procurement contracts, focusing on the special rules governing this specific type of administrative contract in contrast with the common laws governing contracts in general and civil liability.

Chapter XIII reviews the different kinds of assessment to which a procurement contract is subjected: administrative and budgetary assessments; jurisdictional assessments of conclusion and implementation of the procurement contract.

Programmes in which this activity is taught

PUBL3DS Diplôme d'études spécialisées en droit de l'environnement et en droit public immobilier