

The influence of the WTO GPA on Swiss Procurement Law with a special view to collusion and bid-rigging

Seminar on Jan 11, 2013

Silva Casa Auditorium, World Trade Institute, Bern, Switzerland

Purpose: Swiss procurement legislation does not currently contain a general rule allowing conviction for bribery as grounds for exclusion from competition for public contracts. Will implementation of the 2012 GPA Revisions change this? Will there be other benefits for the fight against collusion and corruption in public procurement stemming from the new Swiss regime?

Objectives:

1. Identify implications of implementation of the 2012 GPA Revisions for the national/sub-national fight against collusion and corruption in public procurement;
2. Consider how aligned reforms in a European context – specifically tied to provisions designed to deter bid-rigging and collusion in the proposed new Directive on public procurement – are likely to affect Swiss procurement law
3. Shed light on other aspects of a complicated relationship: possible lessons from soft law

Program

09.30 -10:00	<ul style="list-style-type: none"> • Director's welcome and goals of the meeting (Professor Thomas Cottier, UNIBE/WTI) • Synopsis of recent challenges faced, le "cas INSIEME", etc. (Dr. Susan Brown, UNIBE/WTI)
10:00 -11:00	<p>Opening address</p> <ul style="list-style-type: none"> • "Overview of the 2012 WTO GPA Revisions' and their Relationship to Measures to Prevent Collusive Tendering" (Robert Anderson, WTO Secretariat and Nicholas Niggli, SECO) <p>Chair: Dr. Christian Pitschas, Bernzen Sonntag Rechtsanwälte</p>
11:00 -13:00	<p>EU reforms: Integrity & efficiency in sustainable government procurement</p> <ul style="list-style-type: none"> • Prevention and Deterrence of Bid Rigging: the 2012 Compromise Text for a New EU Directive on Public Procurement (Prof. Albert Sanchez Graells, University of Hull - School of Law) • The failed reception of EU procurement law innovations in (inter)cantonal Swiss law: a practitioner's report (Thomas M. Fischer, Head of Legal Affairs, Office of Information Technology of the Canton of Bern) • The interface between public procurement and competition law: recent cases

	(Judge Marc Steiner, Swiss Federal Administrative Court) Chair: Prof Thomas Cottier, UNIBE/WTI
13:00 -14:00	Lunch
14:00 -15:30	Swiss legal reforms <ul style="list-style-type: none"> • Key changes that the GPA will have for Swiss Federal law (Marco Fetz, Director of the Federal Competence Center for Public Procurement) • Robert Wolf, Judge at the Zurich Administrative Court, Panelist Chair: Prof. Hans Rudolf Trüeb, UNIZH
15:30 -16:00	Break
16:00 -17:30	Role of Soft Law in the Combat Against Bid Rigging and Collusion <ul style="list-style-type: none"> • Prof. Frédéric Jenny, Chair, OECD Competition Committee. • Soft law and best practices (Maria Corvaglia, UNIZH/WTI) Chair: Prof Thomas Cottier, UNIBE/WTI
17:30 -	Wrap-up Chair: Prof Thomas Cottier, UNIBE/WTI