Procurement and State aid

Non compliance with laws and regulations can leave contract awards open to challenge, and even result in contracts being suspended or declared ineffective - aside from any possible action against the UK Government itself which may be taken by the European Commission. Ensuring that the activities of public sector bodies do not breach any restrictions on state aid is also very important, as was highlighted by the recent European Commission review of plans to support the construction of Hinkley Point C.

This page provides a non-exhaustive list of content relevant to those working in the UK public sector. Access our dedicated Public Procurement legal topic for additional resources on this topic.

Related materials

Procurement

- UK property and public procurement: A register of beneficial owners of overseas entities (Article, 12 April 2017)
- Material change and the Public Contracts Regulations 2015 (Article, 18 August 2015)
- The Public Contracts Regulations 2015 - changes to the public procurement regime (Article, 09 March 2015)
- Features of defence projects (Article, 22 January 2015)
- Risk management in defence projects (Article, 22 January 2015)
- Bribery and debarment from public procurement: the new directive (Article, 09 October 2014)
- UK Central Government procurement and tax compliance (Article, 16 April 2013)
Ministry of Justice publishes its response to DPA consultation: what you need to know (Article, 24 October 2012)

"Arbitrary, irrational and capricious": how not to administer a contract (Article, 16 July 2012)

Contracting authority cannot rely on its own failings to avoid a contract (Article, 30 May 2012)

Environmental and social characteristics as award criteria in tender procedures (ECJ) (Article, 29 May 2012)

Services concessions and implied contracts in public tender process (Article, 29 February 2012)

Going green: environmental public procurement guidance published (Article, 30 November 2011)

Making mistakes and bringing public procurement challenges in the correct forum (Article, 30 November 2011)

UK Government narrows the window of opportunity for bringing procurement challenges (Article, 22 September 2011)

Defence procurement under the new EU regime - an overview for defence contractors (Article, 28 July 2011)

E-procurement portals - bidders beware! (Article, 01 June 2011)

How much knowledge is enough? The dangers of hesitation in bringing public procurement challenges (Article, 28 February 2011)

UK Supreme Court’s first judgment on public procurement law clarifies the application of the in-house exemption (Article, 10 February 2011)

When does the limitation period begin to run? Challenging public procurement contracts in the post Uniplex world (Article, 07 May 2010)

A deadline is a deadline: court reluctant to interfere in the exercise of a local authority’s discretion in running invitations to tender (Article, 21 May 2009)

Procurement and the general principles of EC law (Article, 10 August 2006)

State aid

- Recent State Aid Developments (Podcast, 1 September 2016)

  Brexit: implications for State aid law (Article, 24 June 2016)

  European Commission publishes notice clarifying the notion of State aid (Article, 1 June 2016)

  Contracting authority cannot rely on its own failings to avoid a contract (Article, 30 May 2012)
France Telecom: When is state aid financed through state resources? (Article, 30 September 2010)

Guarantees revisited: Notice on State aid confirms Commission approach (Article, 29 May 2008)

Contact
Simon Kenolty