

CMS Hasche Sigle

Lennéstraße 7  
10785 Berlin – Germany  
T +49 30 20360 0  
F +49 30 20360 1299  
www.cms-hs.com

Arndt Hellmann  
Head of Public & Media Relations  
T +49 30 20360 1208  
arndt.hellmann@cms-hs.com

# press release

Date: 4<sup>th</sup> May 2011

1/2

---

## European Commission Green Paper

### **CMS comments on modernisation of European public procurement law**

Berlin/Vienna – In the debate about reform of European procurement law, CMS procurement lawyers are urging a reduction in the volume of rules and formalities, with the current complexity having resulted in an aversion to procurement law among many public contracting bodies. It is necessary to restrict application to the purchasing activities of public-sector clients, they add. "Reform presents an opportunity to curb undesirable developments. In view of the many changes in recent years, a considered reform of the system is needed to avoid putting further strain on those who apply the law," said the CMS legal experts.

The EU Commission's Green Paper of 27 January 2011 raised a number of key issues around reform of EU public procurement policy. The Commission believes that reform is of crucial importance in the context of the severe budgetary constraints and economic difficulties facing many EU Member States. There must be an increase in the efficiency and effectiveness of European public procurement law to enable public contracts to be awarded with lower transaction costs than has so far been the case. The Green Paper invited all interested parties to submit their comments and posed 114 questions relating to all practical aspects of the EU procurement system.

---

CMS Hasche Sigle is one of the leading commercial law firms. More than 600 lawyers serve their clients in nine major German commercial centres as well as in Brussels, Moscow and Shanghai. CMS is the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 29 jurisdictions with 54 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises nine CMS firms, employing over 2,800 lawyers and is headquartered in Frankfurt, Germany.

CMS offices and associated offices: **Amsterdam, Berlin, Brussels, London, Madrid, Paris, Rome, Vienna, Zurich**, Aberdeen, Algiers, Antwerp, Beijing, Belgrade, Bratislava, Bristol, Bucharest, Budapest, Buenos Aires, Casablanca, Cologne, Dresden, Duesseldorf, Edinburgh, Frankfurt/Main, Hamburg, Kyiv, Leipzig, Ljubljana, Luxembourg, Lyon, Marbella, Milan, Montevideo, Moscow, Munich, Prague, Rio de Janeiro, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Warsaw and Zagreb.

For more information please visit our website [www.cms-hs.com](http://www.cms-hs.com). For more information about CMS please visit [www.cmslegal.com](http://www.cmslegal.com).

A cross-border CMS team has addressed these issues. The partners in the procurement law workgroup of German law firm CMS Hasche Sigle, Dr Klaus Heuvels, Dr Stefan Höß, Dr Matthias Kuß, Dr Hermann Müller, Dr Christian Scherer-Leydecker, Frank Schneider and Dr Volkmar Wagner, together with procurement law specialists Dr Bernt Elsner and Robert Keisler from CMS Reich-Rohrwig Hainz in Austria, all took part in drawing up a comprehensive 52-page paper. Against the background of their practical work and experience, the CMS experts were able to cover the legal aspects and also contribute market insights. The lawyers did not agree on every point, but the CMS comments are a clear reflection of the disputed points as discussed among professionals. The paper also adopts a position on practical matters, making it an important contribution to the discussion on modernisation of procurement law.

---

CMS Hasche Sigle is one of the leading commercial law firms. More than 600 lawyers serve their clients in nine major German commercial centres as well as in Brussels, Moscow and Shanghai. CMS is the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 29 jurisdictions with 54 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises nine CMS firms, employing over 2,800 lawyers and is headquartered in Frankfurt, Germany.

CMS offices and associated offices: **Amsterdam, Berlin, Brussels, London, Madrid, Paris, Rome, Vienna, Zurich**, Aberdeen, Algiers, Antwerp, Beijing, Belgrade, Bratislava, Bristol, Bucharest, Budapest, Buenos Aires, Casablanca, Cologne, Dresden, Duesseldorf, Edinburgh, Frankfurt/Main, Hamburg, Kyiv, Leipzig, Ljubljana, Luxembourg, Lyon, Marbella, Milan, Montevideo, Moscow, Munich, Prague, Rio de Janeiro, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Warsaw and Zagreb.

For more information please visit our website [www.cms-hs.com](http://www.cms-hs.com). For more information about CMS please visit [www.cmslegal.com](http://www.cmslegal.com).