



2024 EPCO

Public Procurement Conference

Brought to you by the Eurosystem Procurement Coordination Office

17 October 2024
Banque centrale du Luxembourg



Featuring speaker sessions from :



Pedro Cerqueira Gomes



Annamaria La Chimia



Natura Gracia



Kenny Kan-ye Cheung



Mario Eugenio Camba



Banque centrale du Luxembourg (BCL)
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Also available to
attend via Webex



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Public Procurement Conference Agenda

17 October 2024

BANQUE
CENTRALE
DU
LUXEMBOURG

Timing

Topic

09.00 – 09.30 Access of participants to the conference

09.30 – 09.45 **Welcome and Opening remarks**

Eva RODRÍGUEZ BIELSA, Head of EPCO, Eurosystem Procurement Coordination Office (EPCO)

Morning Session

09.45 – 10.30
(REMOTE SESSION)

Public Procurement for AI and Other Innovations in Banking Services

Pedro CERQUEIRA GOMES, Assistant Professor, Católica Faculdade de Direito, Escola do Porto, Portugal

10.30 – 11.15

Sustainable Procurement: From Opportunity to Necessity

Annamaria LA CHIMIA, Professor of Law and Development, University of Nottingham, United Kingdom

11.15 – 11.45

Coffee break

11.45 – 12.30

Pushing the Boundaries of When the Rules Apply

Natura GRÀCIA, Partner, Linklaters, United Kingdom

12.30 – 14.00

Lunch

Afternoon Session

14.00 – 14.45
(REMOTE SESSION)

Opportunity For and Next Evolution of Public Financial Organizations

Kenny Kan-yeet CHEUNG, Chief of Procurement, The World Bank, USA

14.45 – 15.30
(REMOTE SESSION)

Framework Agreements for Cross-border Procurements: A Critical Assessment and Some Proposals

Mario Eugenio COMBA, Professor of Public Comparative Law, University of Turin, Italy

15.30 – 15.40

Closing Remarks

15.40

Closing Drink

Session 1



Public Procurement for AI and Other Innovations
in Banking Services

09.45 – 10.30 (remote session)

Pedro CERQUEIRA GOMES

Pedro CERQUEIRA GOMES is an Assistant Professor at Universidade Católica Portuguesa, a practicing lawyer, and an arbitrator.

He holds a PhD in Public Procurement from Universidade Católica Portuguesa and the University of Turin.

He is the author of several scientific articles and the book *EU Public Procurement and Innovation: The Innovation Partnership Procedure and Harmonization Challenges* (Edward Elgar, 2021).

Professor Cerqueira Gomes is also an invited speaker at several conferences and training events regarding public procurement and administrative law.



Pedro CERQUEIRA GOMES, Assistant Professor, Católica Faculdade de Direito, Escola do Porto, Portugal

Session 2

Sustainable Procurement: From Opportunity to Necessity

10.30 – 11.15 (in-person)

Annamaria LA CHIMIA

Professor Annamaria La Chimia Laurea (La Sapienza, Rome) LLM and PhD (Nottingham) is a Professor of Law and Development and Director of the Public Procurement Research Group, and leads the mentoring program at the School of Law, University of Nottingham. She is also a Research Fellow at Stellenbosch University (since 2019) and a member of the IEL Collective Steering Committee (since 2020).

From 2017 to 2021, she acted as Equality Officer and Chair of the Equality and Diversity Committee at the School of Law where, under her leadership, the school obtained the first Athena Swan Award for equality and diversity. She also directed the Rights and Justice Research Priority Area, an interdisciplinary network of researchers across the University.

Since 2021 Professor La Chimia is working as external senior advisor for the World Bank on gender-responsive procurement and food procurement, authoring key World Bank publications on the subject¹. In the past, Professor La Chimia was nominated Special Procurement Advisor for the EU External Mission in Somalia (EUCAP Somalia, in 2020), and acted as expert consultant for numerous international organisations and governments, including GIZ², ICAI³, the European Commission (DG External Relations and Internal Market), the NGO ActionAid, the Commonwealth Secretariat, and OECD/SIGMA, the Italian Ministry of Education, the World Bank.

Her research has been funded by prestigious research institutions. Most notably, she received funding as Principal Investigator from the British Academy (in 2009), the BA-Leverhulme (twice, first in 2017, then in 2020), and as Co-Investigator twice by the AHRC, namely in 2017 for a multimillion AHRC-GCRF 4-year grant to research aid, procurement and marine cultural heritage in East Africa (PI Henderson) and in 2021 to conduct research on single-source procurement (PI Butler). She has taught at many universities and has been Visiting Professor in Rome (La Sapienza and Luiss Guido Carli), Milan (La Statale), Copenhagen (Danish Institute of Human Rights and Copenhagen University), Cape Town (Stellenbosch University).

Professor La Chimia has published extensively in the areas of aid effectiveness, food security, sustainable procurement, development aid procurement, and procurement by multilateral and bilateral aid donors. More recently, she has conducted research on emergency procurement and procurement reforms in Italy, publishing two seminal edited collections, namely 'Public Procurement Regulation in (a) Crisis: Global Lessons from the Covid-19 Pandemic' (with Arrowsmith, Butler, and Yukins, Harts publishing 2022) and 'Il Procurement delle Pubbliche Amministrazioni: tra Innovazione e Sostenibilità.' (with Fiorentino, Il Mulino 2021). Her work has featured in International and European law reviews and international edited collections. She is the author of *Tied aid and Development Aid Procurement in the framework of EU and WTO Law: the imperative for Change*, published by Hart Publishing in 2013, the leading monograph on this topic and co-editor (with Trepte) of *Public Procurement and Aid Effectiveness: the Journey so far* (Hart 2019) a ground-breaking edited collection looking at the impact and interaction of public procurement and aid funds.



Annamaria LA CHIMIA, Professor of Law and Development, University of Nottingham, United Kingdom

¹ She is the lead author of the World Bank Practice Note *Towards Gender Responsive Procurement* (published in 2022) and of the Policy Paper *Gender Responsive Procurement in the Caribbean: A Tool Towards more Inclusive and Resilient Societies* (2023).

² German Agency for International Cooperation

³ The UK Independent Commission for Aid Impact

Session 3

Pushing the Boundaries of When the Rules Apply

11.45 – 12.30 (in-person)

Natura GRÀCIA

Natura Gràcia is Head of the London Antitrust and Foreign Investment Group and heads the Linklaters State aid and subsidies practice. She is qualified in England & Wales and Spain (Barcelona Bar) and has over 20 years of practising experience.

She advises on a wide range of competition and regulatory matters, including complex mergers (in the EU and UK) and a range of antitrust investigations. In addition to her mainstream competition work, she specialises in State aid and UK subsidies, public procurement and regulated sectors. Her procurement practice includes advising governments and tenderers in a number of EU Member States and the UK. She has also advised companies participating in procurements by EU institutions, particularly on exclusion grounds. On the State aid and subsidies front, she has also advised both governments and beneficiaries. Some of her mandates include advising BAE Systems in relation to the European Commission's State aid investigation and subsequent appeal of the UK controlled foreign companies tax exemption, the Hungarian Government in relation to State aid and public procurement for the Paks II nuclear power plant and the UK government regarding their nuclear programme. She also advised clients regarding Covid-19 procurement and State aid issues.

Ms Gràcia has extensive experience advising clients in utility sectors (energy, airports, water and rail) and her broad practice area (covering competition law as well as mergers, state aid and public procurement) makes her a one stop shop for clients active in these sectors whether engaged in transactions, investigations or regulatory matters.



Natura GRÀCIA, Partner, Linklaters, United Kingdom

Session 4

Opportunity For and Next Evolution
of Public Financial Organizations

14.00 – 14.45 (remote session)

Kenny Kan-ye CHEUNG

Kenny Kan-yee CHEUNG heads the World Bank Group's procurement and vendor management effort globally across 140+ countries and has successfully modernized the function to improve its efficiency, governance, value generation, and sustainability of its ~25,000 vendor base.

His current agenda is to broaden procurement's value contribution in World Bank Group's strategic priorities and Operations, including Climate Change, Fragility, Conflict and Violence; Country Services; Digitalization; Gender and Minority inclusion, as well as partnership with peer International Organizations to spearhead joint procurement reform initiatives.

Before joining the World Bank Group, he was the Executive Director and Global co-Chief Procurement Officer at Goldman Sachs, responsible for the delivery of industry leading commercial, third-party risk management, and sustainable supply chain initiatives across 97 cities and 35 countries.

Mr Cheung also served as the General Manager of Corporate Services and Real Estate for Goldman in the South Asia region. He also had a long career with the National Australia Bank Group and ExxonMobil Corporation where he spent much of his time in procurement transformational roles, as well as leading several corporate and revenue lines of businesses.

He holds an Executive MBA from the Australian School of Management and Honors in Engineering from the University of Melbourne and sits on several advisory boards and networks to foster progressive professional practices globally.



Kenny Kan-yee CHEUNG, Chief of Procurement, The World Bank Group, USA

Session 5

Framework Agreements for Cross-border Procurements: A Critical Assessment and Some Proposals

14.00 – 14.45 (remote session)

Mario Eugenio COMBA

Mario Eugenio COMBA is full professor with the Law Department of the University of Turin (Italy), where he teaches Comparative Economic Law and Comparative Public Law.

He is Member of the Council of the European Law Institute, (www.europeanlawinstitute.eu) and Member of the Scientific Board of the Master "Gouvernance et management des marchés publics en appui au développement durable", organized by the UN Agency BIT-OIL with the Faculté de Sciences Politiques, Paris and the University of Torino.

With Carina Risvig Hamer he edited *Centralising Public Procurement. The Approach of Member States in Europe*, Cheltenham, Elgar publishing, 2021 and is now preparing a book on Framework Agreements in EU and comparative Law.

He is a member of the working group on public contracts, appointed by the Italian Government and he was (2016-2021) member of the Board and then President of the central purchasing body for the Regione Piemonte.



Mario Eugenio COMBA, Professor of Public Comparative Law, University of Turin, Italy

ABOUT EPCO

In 2008, the Governing Council of the European Central Bank (ECB) laid down the framework for joint Eurosystem procurement and created the 'Eurosystem Procurement Coordination Office (EPCO)' to promote and coordinate joint procurement activities among the Central Banks of the Eurosystem/ESCB¹.

Since its start in 2008, the Governing Council allocated the implementation of the EPCO function to Banque centrale du Luxembourg (BCL). BCL is acting as 'hosting Central Bank' of EPCO, which current mandate goes until 31 December 2029.

By establishing a framework for joint Eurosystem procurement, the Governing Council aimed at complying with the principles of cost efficiency and effectiveness and considered that the joint procurement of goods and services was an instrument to achieve those objectives by exploiting synergies and economies of scale. In this context, the Governing Council decided to foster the participation of the Eurosystem/ESCB's Central Banks in joint procurement. All Central Banks of the Eurosystem/ESCB are entitled to become members of EPCO and to benefit from EPCO's activities, procurements and contracts. Currently, 25 ESCB Central Banks, including their in-house printing works, participate actively in EPCO's activities. The participation and leadership in EPCO joint procurements and activities are subject to the voluntary principle.

Furthermore, national competent authorities of Member States, European Union institutions and bodies, and international organisations² may also participate in joint procurement activities of EPCO, under specific condi-

tions and upon invitation by the Governing Council. 14 non-ESCB institutions have already been invited by the Governing Council to participate in EPCO's activities³.

In addition to the coordination of joint Eurosystem procurement activities, the development of best practices, EPCO is in charge of establishing the Eurosystem joint procurement agenda. For that, one of EPCO's tasks is to identify and assess potential opportunities for joint procurements. There are two scenarios in which a joint tender procedure shall be deemed necessary, if either: (i) it is reasonable to expect that the joint procurement of goods and services would result in more advantageous purchase conditions in accordance with the principles of cost efficiency and effectiveness; or (ii) if the Central Banks need to adopt harmonised requirements and standards in relation to such goods and/or services. On that basis, joint procurement opportunities are coordinated, under the leadership of the individual Central Banks and, a catalogue of contract opportunities offered to the EPCO Community.

The EPCO Office, together with the EPCO Network of Procurement Experts, the leading Central Banks and the Central Banks participating in the different joint procurements are working on around 100 projects – including areas of study, procurements and joint contracts. These topics cover procurement activities related to six main fields of activity: (i) Market Data and Ratings Services; (ii) Information Technology products and services; (iii) Banknote related items; (iv) Travel Services; (v) Other goods and services (such as training and consultancy services business information services and office supplies) and (vi) procurements related to ESCB project(s).

¹ Decision of the European Central Bank of 17 November laying down the framework for joint Eurosystem procurement (ECB/2008/17) as amended

² Also called non-ESCB entities or institutions

³ Financial Market Authority (FMA), Austria; Federal Financial Supervisory Authority (BaFin), Germany; Estonian Financial Supervision Authority (EFSA); Financial Sector Surveillance Commission (CSSF), Luxembourg; Financial and Capital Market Commission (FKTK), Latvia; Malta Financial Services Authority (MFSA); Single Resolution Board (SRM); European Stability Mechanism (ESM); European Banking Authority (EBA); European Insurance and Occupational Pensions Authority (EIOPA); European Securities and Markets Authority (ESMA); Financial Services and Markets Authority (FSMA); European Investment Bank (EIB), Luxembourg; Bank for International Settlements (BIS), Switzerland.