University of Birmingham

# Professor Martin Trybus

Professor of European Law and Policy

**Birmingham Law School (/schools/law/index.aspx)**

## Contact details

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## About

The research of Martin Trybus aims to make a contribution to the understanding and development of the Law of the European Union, especially its economic and constitutional aspects, to establish 'European Union Defence and Security Law' as a separate legal subject, and to contribute to the understanding and development of European Union Public Procurement Law.

## Feedback and office hours

In the first semester of 2014-2015, my Office and Feedback Hours will be:

Mondays, 10am -11am (except 6 October)and 3pm - 4pm

Students are welcome to see me during these hours without an appointment. If you need to see me outside these hours, please email me to arrange another time, or just knock on my door (although I can't guarantee that I'll be available)

As I will be on Study leave in the second semester, there will be no office hours in the second term.

## Qualifications

- LLM (Wales)
- PhD (Wales)
- Referendarexamen (Berlin)
- Assessorexamen (Düsseldorf)

## Biography

Martin Trybus read law at the Free University of Berlin before completing his studies for a LL.M. in Business Law (1995) and for a Ph.D. (1997) at the University of Wales, Aberystwyth. He qualified in Germany, having also completed a stage with the European Commission in Brussels (1999), before starting as a lecturer at the University of Nottingham (2000). He was visiting scholar at George Washington University Law School in Washington DC (2003), at the University of Cape Town (2004), and visiting fellow at the University of Utrecht (2004). An AHRC Research Leave Award (2003-2004) led to his *European Union Law and Defence Integration* (2005). At the beginning of his Senior Lectureship at the University of Sheffield (2006) he was seconded as Senior Adviser to the SIGMA programme of the Organisation for Economic Cooperation and Development (OECD) in Paris where he coordinated a number of major studies on public procurement in Europe financed by the European Commission. Professor Trybus joined Birmingham Law School in 2007. He is currently member of the Procurement Review Board of the European Space Agency (ESA).

## Teaching

- Public Procurement Law (LLM)
- EU Constitutional Law (LLM)
- Legal Foundations of the European Union (LLB)
- EU Defence and Security Law (LLM)
- Law of the EU (LLB)

## Postgraduate supervision

- European Law
- European defence and security integration
- Public procurement

### Current doctoral supervision

Professor Trybus is currently supervising two doctoral students undertaking research in the following areas:

- Barriers to a transatlantic defence procurement market

- The EU-ACP Cotonou Partnership Agreement: A Legal Framework For Peace and Security in EU-Africa Relations
- Public procurement and State aids

## Doctoral research

**PhD title** European Defence Procurement Regulation

## Research

The research of Martin Trybus aims to make a contribution to the understanding and development of the Law of the European Union, especially its economic and constitutional aspects, to establish 'European Union Defence and Security Law' as a separate legal subject, and to contribute to the understanding and development of European Union Public Procurement Law.

He is the author of two monographs ('European Defence Procurement Law' and 'European Union Law and Defence Integration') and four edited collections. He is currently working on a monograph on the new EU Defence Procurement Directive for Cambridge University Press and on two edited collections, one on the Lisbon Treaty with Luca Rubini for Edward Elgar and one on the EU Law of public contracts with Roberto Caranta and Gunilla Edelstam for Bruylant (Brussels).

You can listen to a podcast of Professor Trybus' inaugural lecture below:

**(http://www.adobe.com/go/getflashplayer)**

## Other activities

Professor Martin Trybus has been involved in consultancy projects for the British, Dutch, and French governments, the European Defence Agency, the European Commission, the European Space Agency, and the OECD. These projects concerned public procurement regulation, in particular public procurement reform in Central and Eastern Europe and the legal aspects of the European armaments market. In 2008 he gave evidence to the European Parliament on the 'defence package' of armaments related directives and is currently the legal expert on a project lead by RAND Europe providing research for the European Commission on the Defence and Security Procurement Directive. Apart from Birmingham he teaches regularly at the International Training Centre of the International Labour Organisation in Turin and the European Institute of Public Administration in Maastricht. In 2010 Professor Trybus was appointed to the Procurement Review Board of the European Space Agency in Paris. In 2014 he was also appointed **Senior Research Fellow of the think tank RAND Europe (/research/activity/iel/news/2014/trybus-rand.aspx)** and served on the jury of the **European Law Faculties Association (ELFA) Thesis Prize (/research/activity/iel/news/2014/trybus-elfa-thesis.aspx)**. He is also serving on the jury of the International Procurement Award Thesis Prize and the Academic Advisory Board of the German Procurement Association *Forum Vergabe*.

Professor Trybus is the Director of the **Institute of European Law (/research/activity/iel/index.aspx) . (http://www.birmingham.ac.uk/research/activity/iel/index.aspx)** organising, inter alia, the Future of European Law and Policy conference series. He is a member of the **Public Contracts in Legal Globalisation Network (http://www.public-contracts.eu/)**, the **Procurement Law Academic Network (http://www.planpublicprocurement.org/main/)** (PLAN), and the **European Procurement Law Group (http://www.unito.it/unitoWAR/page/dipartimenti6/D058/D058_epl1)**. He served on the Peer Review Panel of the Arts and Humanities Research Council (AHRC) and also reviews research funding applications for the Danish Council for Independent Research and the Czech Science Foundation.

## Publications

**BOOKS**

- *Buying Defence and Security in Europe: The EU Defence and Security Procurement Directive in Context*(CUP, 2014), XXXVI + 534 pp
- (Eds. With R. Caranta and G. Edelstam) *EU Public Contract Law: Public Procurement and Beyond*(Bruylant: Brussels, 2014), LXV + 507 pp
- (Eds. with L. Rubini), *The Treaty of Lisbon and the Future of European Law and Policy*(Edward Elgar: Cheltenham, 2012), XLVII + 506 pp
- (Eds. with R. Caranta), *The Law of Green and Social Procurement in Europe* (Djøf Publishing: Copenhagen, 2010) 330 pp
- (Eds. with N. D. White), *European Security Law* (OUP: Oxford, 2007), XVIII + 381 pp
- (Ed.), *Pravo i politika javnih nabavki EU: izbor tekstova* (EUPPP: Sarajevo, 2006), XXII + 370 pp
- *European Union Law and Defence Integration* (Hart: Oxford, 2005), XXXII + 407 pp
- (Eds. with S. Arrowsmith) *Public Procurement: The Continuing Revolution* (Kluwer Law International: The Hague, 2002), XX + 330 pp
- *European Defence Procurement Law: International and National Procurement Systems as Models for a Liberalised Defence Procurement Market in Europe* (Kluwer Law International: The Hague, 1999), XL + 312 pp

**RECENT ARTICLES AND BOOK CHAPTERS**

- "The hidden Remedies Directive: review and remedies under the EU Defence and Security Directive" (2013) 22 *Public Procurement Law Review*135-55
- "The tailor-made EU Defence and Security Procurement Directive: limitation, flexibility, description, and substitution" (2013) 39 *European Law Review*3-29
- (With Almuth Berger), "The Transposition of the Services Directive in the United Kingdom", in U. Stelkens, W. Weiß, M. Mirschberger (eds.), *The Implementation of the Services Directive – Transposition, Problems, and Strategies*(T. M. C. Asser Press: The Hague, 2012) 633-65
- "Großbritannien" in C. Baldus, T. Finkenhauer, *Bologna und das Rechtsstudium*(Mohr Siebeck: Tübingen, 2011) 77-96
- "An Overview of the United Kingdom Public Procurement Review and Remedies System with an Emphasis on England and Wales" in Steen Treumer and François Lichère, *The Enforcement of the EU Public Procurement Rules* (Djøf Publishing: Copenhagen, 2011) 34 pages, 201-234
- "Public Contracts in European Union Internal Market Law: Foundations and Requirements" in R. Nogouellou and U. Stelkens (eds.), *Comparative Law on Public Contracts Treatise* (Bruylant: Brussels, 2010) 81-121
- (With P. P. Craig), "Public Contracts: England and Wales" in R. Nogouellou and U. Stelkens (eds.),*Comparative Law on Public Contracts Treatise* (Bruylant: Brussels, 2010) 339-366
- "Sustainability and Value for Money: Social and Environmental Considerations in United Kingdom Public Procurement Law" in R. Caranta and M. Trybus, *The Law of Green and Social Procurement in Europe* (Djøf Publishing: Copenhagen, 2010) 259-297
- "From the Indivisible Crown to Teckal: the In-House Provision of Works and Services in the United Kingdom" in M. Comba and S. Treumer, *The In-House Providing in European Law* (Djøf Publishing: Copenhagen, 2010) 187-211
- "Annotations to Case C-337/05, *Commission* v. *Italy* ('Agusta and Agusta Bell Helicopters'), judgment of 8 April 2008, nyr" (2009) 46 *Common Market Law Review* 973-990.
- (With T. Medina), "La transposición de las Directivas comunitarias sobre contratación pública en los Estados miembros" (2009) 25 *Noticias de la Unión Europea* 83-94

**STUDIES**

- (With Carlos Marti Sempere, Silke Römer, Merle Missoweit, Lucca Rubini, Elisabeth Sköns, Sam Perlo Freeman, and Axel Dyevre), ***Level Playing Field for European Defence Industries: The Role of Ownership and Public Aid Practices*** **(http://www.eda.europa.eu/documents.aspx)** (Ingeniería de Sistemas para la Defensa de España S. A. Madrid in association with the Fraunhofer Institut für Naturwissenschaftliche Trendanalysen Euskirchen for the European Defence Agency, Brussels 2009)
- (With G. Jadoun, C. McCrudden, R.Caranta, G. Westring), ***Social Considerations in Public Procurement*** **(http://ec.europa.eu/social/main.jsp?catId=331&langId=en&newsId=417&furtherNews=yes)** (ITC-ILO Turin for the European Commission, DG Employment, Social Affairs and Equal Opportunities, Brussels, 2008)
- (With E. Anders Erikson, Mattias Axelson, Keith Hartley, Mike Mason, and Ann-Sofie Stenérius), ***Study on the Effects of Offsets on the Development of a European Defence Industry and Market*** **(http://www.eda.europa.eu/documents.aspx)** (SCS Henley on Thames and FOI Stockholm for the European Defence Agency, Brussels, 2007)
- (With P. Blomberg, P.-N. Gorecki), ***Public Procurement Review and Remedies Systems in the European Union*** **(http://www.olis.oecd.org/olis/2007doc.nsf/linkto/gov-sigma%282007%295)** (SIGMA Paper 41, Paris, 2007)
- (With P. Blomberg, P.-N. Gorecki), ***Central Public Procurement Structures and Capacity in the Member States of the European Union*** **(http://www.olis.oecd.org/olis/2007doc.nsf/linkto/gov-sigma%282007%294)** (SIGMA Paper 40, Paris, 2007)

**RECENT CONFERENCE CONTRIBUTIONS**

**Conferences**

- Keynote address, "The Impact of the Procurement Directives", and "The Promotion of SME in Procurement", *10th Annual E-Business Forum*,Ostrava, Czech Republic, November 2014
- "Remedies in the field of defence and security procurement and implementation in the Member States" and "Defence procurement offsets", *European Defence and Security Procurement Seminar*, EIPA, Maastricht, The Netherlands, October 2014
- Leading Rapporteur: "Supporting Social Considerations via Public Procurement", *2nd Interdisciplinary Symposium on Public Procurement*, University of Tor Vergata (Rome) and Corvinus University of Budapest, Budapest, Hungary, September 2014
- "The EU Defence Package", Society of Legal Scholars Annual Conference, Nottingham, September 2014
- Response to Malcolm Harbour, opening panel of *Reforming the EU: 4th Conference on the Future of European Law and Policy*, Institute of European Law, Birmingham, June 2014
- Discussant, *6th Public Procurement Research Students Conference*, PPRG, University of Nottingham, April 2014
- Statement in „**Die neuen Vergaberichtlinien der Europäischen Union – Die Sicht der Rechtswissenschaft – Tagung des Wissenschaftlichen Beirats des Forum Vergabe e.V. (http://www.forum-vergabe.de/fileadmin/user_upload/Schriftenreihe/Dokumentationsband_16._forum_vergabe_Gespraeche_gek.pdf)**", 16thForum Vergabe Gespräche (German Procurement Conference) 2013, Fulda, Germany, September 2013
- "Public procurement oversight in the new public procurement Directives", *Konference Dohled nad veřejnými zakázkami v ČR a SR*, Oženeni and Transparency International Slovakia, Brno, Czech Republic, September 2013
- "The promotion of SMEs in the new Directive", *6th European Procurement Law Group Meeting*, University of Aix-Marseille, Aix-en-Provence, France, July 2013
- Keynote address: "Between Internal Market and the CFSP: EU Defence Integration in the Early 21st Century", conference *The EU Faring Through Its Post-Lisbon Crisis*: *Past, Present and Future of European Integration,*Liverpool John Moores University, Liverpool, June 2013
- "Defence and Security Procurement in the EU: a new Direction with a Directive?" *Law School Staff Seminar*, University of Lincoln, April 2013
- "The negotiated procedure: advantages of its ample use by LRAs", "The special appeal procedure: what's in it for the regions?", and "Clarifying the regulatory framework: subcontractors and modification of contracts" Seminar *Legal Options to Boost our Economy*, European Institute of Public Administration, Barcelona, Spain, April 2013
- "The role of the EU in defence" *Law School and School of Politics Staff Seminar*, De Montfort University, Leicester, March 2013
- "Secondary Considerations in the Draft Directive", *Sustainable Procurement Events*, United Kingdom Procurement Lawyers Association, Bristol and Birmingham, March 2013
- "Context, content and impact of the Directive on Defence and Security Procurement", *Conference of the Czech Defence Industries Association*, Prague, Czech Republic, November and December 2012
- "Secondary Considerations", *Conference on the Draft Procurement Directive*, British Institute of International and Comparative Law, London, September 2012
- „Der EU-Rechtsrahmen der Vergabe im Verteidigungs- und Sicherheitsbereich", Conference *Vergaben im Bereich von Verteidigung und Sicherheit*, Forum Vergabe and University of the Bundeswehr, München/Neubiberg, Germany, February 2012
- "Context, content and impact of the Directive on Defence and Security Procurement" and "Offsets" Seminar on European Defence Procurement, European Institute of Public Administration (EIPA), Maastricht, The Netherlands, January 2012
- „Nachhaltige Beschaffung in anderen europäischen Ländern", Seminar *Nachhaltige Beschaffung,*Forum Vergabe, Berlin, Germany, October 2011
- "Security of Supply and Security of Information", *Defence Procurement Seminar*, United Kingdom Procurement Lawyers Association, London, June 2011
- "The Scope of the Remedies System", *Enforcement of Public Procurement Rules: Lessons from a Comparative Perspective*, British Institute of International and Comparative Law, London, April 2011
- "Security of Supply and Security of Information", *Defence Procurement Seminar*, Procurement Lawyers Association, London, June 2011
- Moderator of the Panel Discussion on the Future Reform of Public Procurement Systems, *EBRD Business Forum*(European Bank for Reconstruction and Development), Astana, Kazakhstan, May 2011
- "The Scope of the Remedies System", *Enforcement of Public Procurement Rules: Lessons from a Comparative Perspective*, British Institute of International and Comparative Law, London, April 2011
- "The Scope of the new Defence Procurement Directive", *Defence Procurement Seminar*, International Chamber of Commerce, Paris, France, February 2011
- "Green Procurement in the EU", *Nordic Public Procurement Forum*, Copenhagen, November 2010
- "Defence Procurement Regulation in Europe: From Fragmentation to Harmonisation?", *2nd International Public Procurement Forum*, Beijing, China, October 2010
- "The Public Procurement Review and Remedies System of the United Kingdom", *3rd Network Meeting of the European Procurement Law Group*, University of Copenhagen, Denmark, September 2010
- "Social Considerations in Public Procurement in Germany", *Public Procurement: Global Revolution V*, Copenhagen, Denmark, September 2010
- "EU Public Contracts and Enlargement", *6th Public Contracts in Legal Globalisation Network Workshop* "*EU Law of Public Contracts*", Stockholm, Sweden, May 2010
- "The EU Green Procurement Legal and Policy Framework", *National Conference on Green Public Procurement*, Dublin, Ireland, May 2010
- "The Implementation of the Services Directive in the United Kingdom", Conference on the *Implementation of the Services Directive in the Member States of the EU*,

German University of Public Administration, Speyer, Germany, April 2010

- "The New EU Defence and Security Procurement Directive", Conference of the Czech Defence Industries Association, Prague, Czech Republic, December 2009
- "The Flexibly Phalanx: Differentiation in the CSDP (A Case Study on Flexibility in the Lisbon Treaty)", keynote address, *Symposium on Future Treaty Reform*, Erasmus University, Rotterdam, The Netherlands, December 2009
- "Die Umsetzung der Dienstleistungsrichtlinie in Grossbritannien", Seminar on the *Messe Moderner Staat*, Berlin, Germany, November 2009
- "The EU Defence and Security Procurement Directive in Context", Conference on "Building a Strategic US -EU Partnership on Defense and Security Aspects" organised by the Atlantic Council in partnership with the Center for Transatlantic Relations and the Center for Strategic and International Studies Washington D.C., USA, October 2009
- "Social and Environmental Considerations Public Procurement in the United Kingdom",*2nd Network Meeting of the Turin Research Network on Public Procurement*,Orta San Giulio,Italy, September 2009
- Discussant for Brian Doherty and Michael Bowsher, *Current Issues in EU Public Procurement and State Aid*, Irish Society for European Law and United Kingdom Association for European Law, London, June 2009
- Moderator of workshop on public procurement on the OECD Forum on Governance, *Building a Cleaner World: Tools and Good Practices for Fostering a Culture of Integrity*, Paris, France, May 2009
- "Social Considerations in Public Procurement inDenmarkandGermany", Seminar on Social Considerations in Public Procurement, European Institute of Public Administration,Maastricht, theNetherlands, April 2009
- "De la Private Finance Initiative (PFI) au partenariat public privé : Les concessions au Royaume Uni", *Colloque sur les marchés publics*, University of Tunis El Manar, Tunis, Tunisia, March 2009



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