

Defence Procurement: New European Challenges

19. September 2022 | Berlin & Online

Experts (among others)

Michael Bowsher QC

Monckton Chambers, Visiting Professor, Dickson Poon School of Law, London

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Dr. Pascal Friton

Specialist Lawyer for public procurement law, expert for international trade law, BLOMSTEIN, Berlin

Alan Williams

President, The Williams Group, Ottawa

Dr. Luke Butler

Associate Professor in Law and member of the Public Procurement Research Group, University of Nottingham, Nottingham

The rapidly evolving security situation in Europe looks likely to launch a defence build-up of unprecedented scale and scope in the European theater. This live and hybrid session, focused on lawyers and procurement professionals, will discuss the key challenges governments and contractors will face in this new European defence market.

Join us for the whole day in Berlin, where we will have live sessions both offline and online, or register for the online discussion in the afternoon, where we will have international experts sharing their knowledge on Defence Procurement.

In the evening you will have the opportunity to attend a networking dinner, where you can meet and talk to our experts and other participants.

Morning Sessions (Only offline in Berlin)

- European Defence Procurement Developments (Un)justified Restrictions on Defense Procurement Law in the Light of the War in Ukraine (Only offline in Berlin)
- Cost Controls in Single Source Procurement (only offline in Berlin)

Afternoon Sessions

- Canada's Defence Procurement Process
- Modern Challenges: Cybersecurity & Biological Threats
- Trade Barriers in Defence – Export Controls and Sanctions in U.S. Defence Trade
- Foreign Military Sales

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Programme

Chair: Michael Bowsher, *Monckton Chambers, Visiting Professor, Dickson Poon School of Law, London*

Co-Chair: Christopher Yukins, *Lynn David Research Professor in Government Procurement Law, The George Washington University Law School*

09:00 Welcome by Lexxion

09:15 **European Defence Procurement Developments** (Only offline in Berlin)

- The defence industrial and capability gaps in EU
- Cooperation between EU member states in the defence sector, in particular the framework for defence joint procurement
- New developments in EU member states – example of Poland

Katarzyna Kuzma, *Partner at Domanski Zakrzewski Palinka (DZP), Infrastructure and Energy Practice*

- Status in the development of a common defense in the EU.
 - Cooperation between countries in R&D-projects as part of closer cooperation between states – Nordic perspective
 - National adjustments in the application to NATO – Swedish perspective
- Is Directive 2009/81 and the application of Art. 346 in the Treaty on the Functioning of the European Union (TFEU) relevant in present times
- Development of modern defense arenas – cyber defense and the defense sector in space

Charlotte Brunlid, *Special Counsel & lead, DLA Piper procurement group, Stockholm*

10:15 Coffee Break

10:45 **(Un)justified Restrictions on Defense Procurement Law in the Light of the War in Ukraine** (Only offline in Berlin)

- Scope of possible exemptions from defense procurement law
- Requirements for urgency procurement
- Additional possibilities to restrict competition in defense procurement

Dr. Pascal Friton, *Specialist Lawyer for public procurement law, expert for international trade law, BLOMSTEIN, Berlin*

11:45 **Cost Controls in Single Source Procurement** (only offline in Berlin)

- What are the general “principles” underpinning cost and profit controls in defence contract pricing?
- How are costs and profits regulated in various countries e.g. US/Canada/Australia/UK?
- What are the lessons learned for effective regulation based on the UK’s experience?

Dr. Luke Butler, *Associate Professor in Law and member of the Public Procurement Research Group, University of Nottingham, Nottingham*

12:45 Lunch Break

13:45 **Canada’s Defence Procurement Process**

- It is founded upon the principles of openness, fairness, transparency and competition
- Political interference can lead to costly legal redress (e.g. paying lost profits)
- No single Minister is accountable for the process

Alan Williams, *President, The Williams Group, Ottawa*

14:30 **Modern Challenges: Cybersecurity in U.S. Defense Procurement**

Cybersecurity in U.S. Defense Procurement

Kate Growley, *Director at Crowell & Moring International, Hong Kong*

15:15 Coffee Break

15:45 **Trade Barriers in Defence – Export Controls and Sanctions in U.S. Defence Trade**

- To what extent are US export controls still perceived as a trade barrier in the EU?

Lorraine Romero, *Lead Trade Compliance Counsel, L3Harris Technologies, Washington DC*

Dr. Luke Butler

16:30 **Foreign Military Sales**

- U.S. “Buy American Act” and related policies, and how they affect (or don’t affect) European industry sales to the U.S. Government
- An explanation of the two mechanisms that can be used by European Defense Agencies to acquire defense items and services from the U.S.: foreign military sales and direct commercial acquisitions

Charles A. Blanchard, *Partner, Arnold & Porter, Washington DC*

Marques Peterson, *Managing Partner, Pillsbury, Washington DC*

17:15 Wrap Up

17:30 End of the Event

18:30 Networking Dinner

Registration

Participation fee for participation in Berlin:

- YES, I would like to participate for the reduced fee for public authorities **EUR 740** (excl. VAT).
- YES, I would like to participate for the regular fee of **EUR 940** (excl. VAT).

Participation fee for participation online:

- YES, I would like to participate for the reduced fee for public authorities **EUR 590** (excl. VAT).
- YES, I would like to participate for the regular fee of **EUR 790** (excl. VAT).

Participation dinner:

- YES, I would like to participate for the networking dinner **EUR 80** (excl. VAT).

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Cancellations should be made in writing per post or fax. Please note that the full fee will be charged in case of no show at the online event or for cancellations received after 5 September 2022. Nomination of a substitute remains possible without any additional costs. For more detailed information, scope and conduct of contract as well as cancellation policy, please check the Terms & Conditions on our website.

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