

60th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations (IP)

Author: Dr. Vanessa Viti
Italian Space Agency (ASI), Italy

THE ITALIAN DISCIPLINE OF PUBLIC AND PRIVATE PARTNERSHIP AND THE NEW PUBLIC
PROCUREMENT CODE DESCENDING FROM THE EUROPEAN DIRECTIVES ON THE AWARD
OF RESEARCH AND DEVELOPMENT CONTRACTS

Abstract

This paper aims to analyze the current Italian public research and development services realization systems. These systems are different from the traditional public contract instrument. They contain the procedures for the award of contracts for public-private partnership, such as the Innovation partnership and the pre-commercial procurement for research and development services, referred to in Articles 65 and 158 of the New Public Procurement Code.

Due to the global financial crisis and the resulting heavy constraints on public expenditure, the aim of the Public Administration should be to use tools capable of ensuring a greater involvement of the private partners in the early stages of funding, planning and management of the research and development services. Such a tool, as a direct result of making greater use of private innovation, also has the advantage of increasing the efficiency and quality of the research and reducing the overall cost of the intervention.

Specifically, the aim of this paper is to examine the current arrangements for partnership of research and development services, with particular attention to the current issue of the new Public Procurement Code, descending from the European Union directives which has a specific reference to the awarding of public and private partnership contracts.

In this paper there will be reference to the current selection modes of the public partner, descending from the new legislation. This allows for the use of more flexible procedures, subject to the minimum procedural safeguards, that ensure the efficiency and quality of the procurement process, especially referred to the research and development services.