

Mari Ann Simovart

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Education

<i>Dr. Iur.</i>	University of Tartu , Faculty of Law	2010
<i>LL.M.</i>	Duke University , School of Law	1995
Diploma	University of Tartu , Faculty of Law	1994

Professional positions

- **University of Tartu**, Faculty of Law, Estonia 2013 ...
(<http://www.oi.ut.ee/et>). **Docent.**
- **Duke University**, School of Law. **Fulbright visiting scholar** Spring 2016
- **Academic journal** *Upphandlingsrättslig Tidskrift*, Sweden 2014 ...
(<http://urt.cc/>). **Council Member**
- Estonian Bar Association, Qualification Commission. Member 2011 – 2014
- University of Tartu, Faculty of Law, Estonia. Lecturer. 2008–2013
- University of Tartu, Faculty of Law, Estonia. Teacher. 2006–2008
- Law Office COBALT (formerly LAWIN, <http://www.cobalt.legal/>), Estonia. Attorney-at-Law. 1995 ...
- Law Office Foreign Legal Aid, Estonia. Assistant. 1992 - 1995

Research Projects

- Project Leader - **Reciprocal Influence and Interaction of the EU Law and National Private Law in the Case of Rules on Modifying Public Contracts**, a personal research grant by the Estonian Research Council, ETAG 2015–2016

- Collaborator in a research project by the Swedish Competition Authority in 2016-2017. Project leader: K-M. Halonen, University of Lapland. Purpose of the Project: to identify the key characteristics of the term "operational unit" as used in the 2014 public procurement directives. 2017

- Estonian rapporteur on transposition of the New Public Procurement Directives, to be published as follows: 2017

 - Modernising Public Procurement: The Approach of EU Member States (a working title). European Procurement Law series, volume 8. Editors: M. Comba, S. Treumer, Edward Elgar Publishing, London.

- Estonian rapporteur on Innovation in public procurement coordinated by prof C Yukins of Georg Washington University, Washington, DC, USA, and Prof G Racca, University of Turin, Italy, to be published as follows: 2016 - 2017

 - Simovart, Borodina. Estonian Model of eProcurement (a working title) in - "Public Contracting and Innovation: Lessons Across Borders" .

- Commentary on the system of **Remedies under the EU Public Procurement Law**, submitted for publishing as: 2013 - 2017

 - Ginter, Simovart in – Prof. Dr. M Steinecke, Vesterdorf, ed.-s. Brussels Commentary on EU Public Procurement Law (a working title), Nomos Publishers 2015.

Publications/Presentations

- Borodina, M., Simovart, M.A. (2017). Approaches adopted in other EU and EEA member states: Estonia. In: K.-M. Halonen (Ed.). Characteristics of Separate Operational Units – A Study on Aggregation Rules under Public Procurement Law (59–60). Konkurrenssverket/ Swedish Competition Authority: Swedish Competition Authority.
- Simovart, M. A. *Is There a Devil in the Details? Modification of Public Contracts in the EU and the US*. European Procurement & Public Private Partnership Law Review. Volume 11, Issue 4 (2016) pp 292-300.
- Simovart, M.A. Application of the principle of proportionality: the case of penalty clauses in Estonian public contracts. *Upphandlingsrättslig Tidskrift (UrT)* 3, 2016, pp 215-224.
http://urt.cc/sites/default/files/UrT_2016-3-Simovart.pdf
- Simovart, M.A. (2016). Changes to long-term public contracts: the good, the bad and the ugly. Presentation at Martti Ahtisaari Institute, University of Oulu. Conference presentation – slides and recording at <http://www.mai.fi/ajankohtaista/yhteistyolla-ja-uskalluksella-innovaatioita-julkisessa-hankinnassa.html>
- Simovart, M.A. Enforcement of Ineffectiveness of Unlawfully Modified Public Contracts. *Juridica International* 24, 2016, pp 43-54,
http://www.juridicainternational.eu/index.php?id=15643#_ftn9
- Key-note speech on “Implementation of 2014 directives in Estonia” - the Conference *Upphandlingskonferensen 2016*. Stockholm, Sweden, 1.-2. December 2016,
<http://partner.upphandling24.se/urt/docent-mari-ann-simovart-pa-urts-konferens>
- Presentation “Is there a devil in the details? The case of public contract modification in the US and EU.” – Symposium on transatlantic procurement markets. King’s College London, 19.09. 2016.
- Presentation “Application of the principle of proportionality” - International Public Procurement Conference IPPC7, August 4, 2016, Nusa Dua, Indonesia.
- Podcast “Article 72 of Directive 2014/24/EU and limitations to contract modifications” in The Public Procurement Podcast by P. Telles, <http://www.publicprocurementpodcast.eu/new-blog-avenue/2016/7/18/23-mari-ann-simovart-university-of-tartu>
- Simovart, M.A. Hankelepingute lubatud ja keelatud muudatused uute riigihankedirektiivide ülevõtmise järel. [Acceptable and unacceptable modifications of public contracts after transposition of the new public procurement directives.] *Juridica I/2016*, lk 52-60.
- Simovart, M.A., Koroljov, D. Leppetrahvitingimuste sisustamine hankelepingutes. *Juridica I/2016*, lk 44-51.
- Editor’s column. *Juridica I/ 2016*,
https://www.juridica.ee/juridica_et.php?year=2016&number=1

- Presentation “Remedies in case of unlawful amendments to a public contract.” at the Conference Public Procurement: Global Revolution VII, June 15-16, University of Nottingham, UK.
- Simovart, M. A. Old remedies for new violations? The Deficit of Remedies for Enforcing Public Contract Modification Rules. UrT 2015/1, pp 33-47
- Presentation: “Side-effects of public contract ineffectiveness – trouble for or with the contractors?” – Conference ‘Legal plurality – cui bono?’, Jan 29-30, 2015, Tartu, Estonia.
- Poster-presentation: M A Simovart, A Värvi. Tõhustatud loeng õigusteaduse õpetamisel. [Integrated lecture in teaching legal science.] Konverents ‘Õppejõult õppejõule 2015: kollegiaalne tagasiside.’ [Conference ‘From a teacher to a teacher 2015: peer-review’] Tartu Ülikool, 14.01.2015.a.
- Simovart, M. A. “Arvustus. D. Minumets, P. Kulm. Riigihangete õigus. Tallinn: Juura 2014, 592 lk.” [Review. D. Minumets, P. Kulm. The Law of Public Procurement. Tallinn: Juura 2014, 592 lk] Juridica x 2014, lk 781-786.
- Presentation: “Remedies for enforcing public contract modification rules” – Research Conference on Public Procurement, Stockholm, Sweden, Nov 6-7, 2014.
- Ginter, C; Parrest, N, Simovart, M A. “Access to the content of public procurement contracts: the case for a general EU-law duty of disclosure.” Public Procurement Law Review 2013, 4, pp 156 – 164;
- Härginen, K; Simovart, M. A. “Uued riigihankedirektiivid: kas revolutsioon või redaktsioon?” [“The New Public Procurement Directives: a Revolution or a Redaction?”]. Juridica 2013, IX, lk 627 – 634;
- Ginter, C; Parrest, N, Simovart, M. A. “Ärisaladuse kaitse ja hankelepingute avalikustamise nõue riigihankeõiguses.” [“Protection of Commercial Secrets and the Disclosure Obligation of Public Contracts.”] Juridica, ix, lk 658 – 665;
- Simovart, M. A. “Halb töö riigihankel jätab tulevikus hankija ukse taha.” [“In the Future, Bad Performance of a Public Contract will Close the Door for the Tenderer.”]. RP: raamatupidaja [Accountant.] www.raamatupidaja.ee 13.05.2013;
- Ginter, C; Parrest, N, Simovart, M. A. “Dual regulation of concessions in Estonia as an obstacle for effective application of European Union law.” Public Procurement Law Review 2012, 21(2), NA73 -83;
- Ginter, C; Parrest, N, Simovart, M. A. “Kontsessiooni vastuoluline regulatsioon Eesti õiguses.” [Controversial Regulation of Concessions under the Estonian Law.”] Juridica 2012 Iv, 284 – 294;
- Simovart, M. A., Värvi, A. “Kriitilisi märkusi mõistlikkuse põhimõtte rakendamise kohta. Riigikohtu tsiviilkolleegiumi otsus 3-2-1-66-11.” [“Critical Remarks on Applying the Principle of

Reasonableness. The Judgement 3-2-1-66-11 of the National Court's Civil Chamber's."] Juridica 2012, I, 67 – 72;

• Simovart, M. A. "Riigihanke üldpõhimõtetest tulenevad hankelepingu sisupiirangud. Näiteid vaidlustuskomisjoni praktikast." [“Limits to conditions of public procurement contracts based on the general principles of public procurement. Examples from the cases of the complaints’ board.”] . Juridica 2012, II, 83 – 89;

• Simovart, M A. "Hankelepingu kehtetus Euroopa Ühenduse asutamislepingu aluspõhimõtete rikkumise tõttu." [“Ineffectiveness of procurement contract due to breach of fundamental principles of the EU Treaty”]. Juridica 2011, lk 91 – 99;

• Sootak, J, et al. Üliõpilastöö kirjutamine ja vormistamine. [Style manual for student research papers.] Tallinn, 2011;

• Simovart, M. A. "Amendments to Procurement Contracts: Estonian Law in the Light of the Presetext Ruling." Juridica International 2010, XVII(1), pp 151 – 160;

• Saare, K; Sein, K; Simovart, M. A. "Protection of consumer rights in SMS loan agreements." European Review of Private Law, 18 (2010) (1), pp 129 – 142;

• Saare, K; Sein, K; Simovart, M. A. "Laenusaja õiguste kaitse SMS-laenu lepingute puhul." [Protection of rights of debtors in case of SMS loan agreements."] Juridica, 41 – 50;

• Simovart, M. A. "Riigihankelepingu muutmise vabadus hanke üldpõhimõtete valguses." [“The Freedom to Amend a Public Contract in the Light of the General Principles of Public Procurement.”]. Juridica 2010 IV, 248 – 257;

• Simovart, M A. "Gender Equality as a Possible Secondary Policy in Procurement under Estonian Law." In - Kull, Irene (Ed.). Development of Estonian contract and company law in the context of the harmonized EU law II (pp 74 - 96). Tartu University Press, 2010;

• Simovart, M. A. Lepinguvabaduse piirid riigihankes: Euroopa Liidu hankeõiguse mõju Eesti eraõigusele. Doktoritöö. [Limits to the freedom of contract: the influence of EU public procurement law on Estonian private law. A Doctor's Thesis]. Tartu, 2010;

• Simovart, M. A. "Riigihanke sekundaarsete eesmärkide rakendamise võimalusest Eestis. Soolise võrdõiguslikkuse näide." [“Of the Possibility to Enforce Secondary Policies of Public Procurement in Estonia. The Case of Gender Equality.”] Juridica 2009 III, lk 148 – 158;

• Simovart, M. A. The new Remedies Directive: would a diligent businessman enter into ineffective procurement contract? Presentation at the 4th public procurement PhD conference; University of Nottingham, UK, 2009. Available:

<http://www.nottingham.ac.uk/pprg/conferencesandevents/research-students-conference.aspx> ;

- Saare, K; Sein, K; Simovart, M. A. “The Buyer's Free Choice Between Termination and Avoidance of a Sales Contract.” Juridica International 2008, 2, pp 43 – 53;
- Simovart, M. A. “Lepingu muutmise nõue riigihankelepingu kohustuste vahekorra muutmise korral.” [“The Claim to Modify a Public Contract in Case of Changed Contractual Balance.”]. Juridica 2008, IV, 219 – 229;
- Simovart, M. A. “Riigihankelepingu ebamõistlike tüüptingimuste tühisus kui ebaõiglaste lepingutingimuste regulatsiooni näide.” [“Voidness of Unreasonable Standard Terms of Public Contracts as an Example of Regulating Contractual Unfairness.”] Juridica 2008, I, lk 29 – 38;
- Saare, K; Sein, K; Simovart, M. A. “Differentiation of Mistake and Fraud as Grounds for Rescission of Transaction.” Juridica International 2007 I, pp 142 – 151;
- Saare, K; Sein, K; Simovart, M. A. “Tehingu tühistamise aluseks oleva eksimuse ja pettuse piiritlemine.” [“Borderlines of Mistake and Fraud as Basis of Cancellation of Contract.”] Juridica 2007, X, 705 – 714;
- Simovart, M. A. “The Standard of Reasonableness in the Estonian Law of Obligations.” In - Kull, I. (Ed.). Developments of Estonian Contract and Company Law in the Context of the Harmonized EU Law pp 65 - 86. Tartu Ülikooli Kirjastus, 2007.

Published Master's Theses Supervised in the field of Public Procurement Law:

- Korindt, M. Hankijapoolne hankelepingu lõpetamine selle lubamatu muutmise korral [The Unilateral Termination of a Procurement Contract by the Contracting Authority in the case of an Illegal Modification] Tartu Ülikool, Tallinn 2016.
- Fels, E. Euroopa Liidu riigihankeõiguse normide rikkumise mõju hankelepingu kehtivusele. [Contract validity in the case of infringement of European Union public procurement rules] Tartu Ülikool, Tallinn 2015.
- Tähe, T. Kahju hüvitamine hankemenetluses toimunud rikkumiste korral. [Compensation for damage in case of an infringement of procurement procedure] Tartu Ülikool, Tallinn 2015.
- Ploompuu, M. Konkurentsi üldpõhimõtte järgimine teetööde hankimisel [Following the general principle of competition in contracting roadworks] Tartu Ülikool, Tallinn 2015.
- Toommägi, K. Vallasasjade tagatisomandamine - selle olemus ja realiseerimine [Security Ownership Transfers of Movable Assets - Its Essence and Enforcement], Tallinn 2014.
- Obolenski, M. Vastutustundliku laenamise põhimõtte mõju krediidasutuse lepinguvabadusele ja selle rikkumise võlaõiguslikud tagajärjed eluaseme krediidilepingute puhul [Effect of the principle of responsible lending on contractual freedom of a credit institution and possible liability following a breach of the same principle in case of home credit contracts], Tallinn 2014.
- Lember, P. Keskkonnakaitselised horisontaalsed eesmärgid riigihankemenetluse pakkumuste hindamise staadiumis: magistritöö. Juhendaja: M A Simovart. [Environmental Protection related

Horizontal Purposes in the Tender Evaluation Stage of a Public Procurement Procedure: a Master's Thesis. Supervisor: M A Simovart] Tartu Ülikool, 2013

- Palmsaar, L. Läbiräämiste lubatud ulatus väljakuulutamise ja läbirääkimistega riigihankemenetluses: magistritöö. Juhendaja: M A Simovart. [The Acceptable Range of Negotiations in the Negotiated Procedure with Prior Publication: A Master's Thesis. Supervisor: M A Simovart.] Tartu Ülikool, 2013
- Suurkivi, K. Hankelepingu ülevotmise lubatavus Euroopa Liidu õiguse ja riigihangete seaduse alusel: magistritöö. Juhendaja: M A Simovart. [Acceptability of Transfer of a Public Contract under the EU Law and the Public Procurement Act. A Master's Thesis. Supervisor: M A Simovart] Tartu Ülikool, 2013
- Gorgazjan, M. Läbipaistvuse põhimõtte lihtsustatud korras tellitavate teenuste riigihangetes: magistritöö. Juhendaja: M A Simovart. [The Principle of Transparency in Procurement of B-services: A Master's Thesis. Supervisor: M A Simovart], Tartu 2012
- Taube, K. Pakkumuse muutmine riigihankemenetluses pärast pakkumuste esitamise tähtaega: magistritöö. Juhendaja: M A Simovart. [Modification of a Tender in Public Procurement Procedure after the Tender Submission Deadline: A Master's Thesis. Supervisor: M A Simovart], Tartu Ülikool 2012
- Karineem, T. Self-cleaning kontseptsioon kui pakkuja võimalus hankelt kõrvaldamist vältida: magistritöö. Juhendaja: M A Simovart. [The Concept of Self-Cleaning as a Tenderer's Option to Avoid Exclusion from the Public Procurement. Supervisor: M A Simovart] Tartu Ülikool 2012
- Karro, R. Majanduslikult soodsaim pakkumus riigihankes: magistritöö. Juhendaja: M A Simovart. [An Economically Most Favorable Tender in Public Procurement: A Master's Thesis. Supervisor: M A Simovart] Tartu Ülikool 2011

Teaching Experience

Academic Courses Taught at the University of Tartu

- Public Procurement Law in the Faculty of Law in Tartu 2015 ...
- Public Procurement Law in the Faculty of Law in Tallinn 2006/2007...
- Public Procurement Law in Case Studies in Administrative Law 2014/2015...
- Public Procurement Law in the Advanced Course of Administrative Law 2014/2015...
- Methodology of Research for Doctoral Students 2012/2013 ...
- General Part of Law of Obligations 2008/2009 ...
- General Part of Civil Law 2007/2008 ...

Professional Development Courses Taught at the University of Tartu

- Good teaching practice in the School of Law: general competences in higher education. Dec 2016
Nov 2015
- Good teaching practice in the School of Law: the example of Moodle Oct 2015
- Changes to the public procurement law – a revolution or a redaction? Seminar for an *Economic Academy* lecture series Jan 2014
- Developments in Contract Law for State Attorneys
- Seminar on Public Procurement Law for Top Government Officials Oct 2013
- English - Estonian Legal Terminology: Public Procurement Law May 2013
- Service Contracts and Public Procurement Law May 2013
- Public Procurement Law for State Attorneys Oct 2012
- Influence of the EU Law on Estonian Private Law Dec 2010
- Protection of Consumer Rights in Credit Agreements April 2009
- General Part of Civil Law for Assistant Judges 2007/2008

Other Professional Development Seminars Taught

- New public procurement law – professional training seminar for members of Estonian Bar Association Feb 2017
- Introduction to the public procurement law to the Estonian Ombudsman's office. Nov 2015
- Introduction to the EU and Estonian public procurement Law. Remedies in public procurement. Case study in terminology – European Commission, DGT, Luxembourg Sept 2014
- EU Public Procurement Law: Introduction and Terminology – Nov 2014

Court of Justice of the EU, Luxembourg

- Seminars on Construction Procurement for Business Executives, 2004 ...
by Law Office LAWIN
- Seminars on Latest Developments of Public Procurement Law by 2011-2014
Tallinn Konverentsid, Äripäev Academy.

Professional Development - Courses taken at the University of Tartu:

- Pilot project on peer-review of teaching. Sept 2014 ...
- Scholarship of Teaching and Learning: peer-review. Aug 2014
- Using *e-learning* in school. Apr-May 2014
- From Professor to Professor: improving teaching competence. Feb – May 2014
- Student-centered teaching in Open University. Jan-Feb 2012
- 7 principles of good teaching by Prof J Groccia of Auburn Uni Sept 2011
- Learning and teaching in Higher Education. Aug – Dec 2008.

Grants received

Fulbright lecturing/research grant:

- Interaction of Procurement Law and Private Law in the Case of
Modifying Public Contracts. 2016

Personal research grant by the Estonian Research Council (ETAG):

- Research on ‘Reciprocal **Influence and Interaction** of the EU law and
National Private Law in the Case of Rules on Modifying Public Contracts 2015-2016

European Social Fund DoRa T8 grants:

- Chair and discussant at the 6th Public Procurement Research
Students’ Conference, University of Nottingham Apr 2014
- Conference: the Public Procurement. Global Revolution VI,
University of Nottingham, UK June 2013
- Visiting scholar – Public Procurement Research Group (PPRG),
University of Nottingham, UK June 2013
- Conference: the Public Procurement. Global Revolution V,
University of Copenhagen, Denmark Sept 2010
- Visiting scholar – PPRG, University of Nottingham, UK Apr 2010
- Presenter at the 6th Public Procurement Research Students
Conference, University of Nottingham, UK Sept 2009
- Visiting scholar – PPRG, University of Nottingham, UK Sept 2009

Other grants:

- Visiting Lecturer at the Department of Law, University of Stockholm, Sweden March 2015, March 2014
- Presenter at the First Swedish Conference for Academic Research into Public Procurement Nov 2014

Affiliations/Memberships

- **Procurement Law Academic Network (PLAN)** - a global network of academics in public procurement law and policy, academic member 2009 ...
- **Public Contracts in Legal Globalization (PCLG)**, member 2009 ...
- Estonian Bar Association, member, Attorney at Law 1996 ...

Awards received

- **'*Lectio cum laude*'** (Award of the Best Course) of academic year 2014/2015 – Faculty of Law, University of Tartu
- **'*Lectio cum laude*'** (Award of the Best Course) of academic year 2013/2014 – Faculty of Law, University of Tartu
- **Best seminar teacher** of the year 2010 – Faculty of Law, University of Tartu