

Název diplomové práce v anglickém jazyce, abstrakt v anglickém jazyce a 3 klíčová slova v anglickém jazyce

Legal aspects of PPP projects realization

Abstract

The aim of this diploma thesis is to investigate the legal area of PPP projects regulation and their potential use in the construction of highway infrastructure in the Czech Republic. The inadequate state of Czech highways and search for new financial resources opened again the topic of private capital use through PPP. PPP is an abbreviation for public-private partnership where a public service or specific infrastructure is provided by a private partner.

The first part explains the characteristics of PPP projects and their possible advantages and disadvantages as well as a brief description of historical development and distribution of public-private partnerships into the common types used.

The second part illuminates the legal aspects of realization by the individual phases of implementation. It starts with a selection process, deciding on what the project will be financed from. Furthermore, it is necessary to specify in the contract the rights and obligations of the parties. This is also associated with risk allocation. The next stage is the actual realization with which the treatment of risks, that have already occurred, is related. In addition, partners have to determine who will be responsible for running and managing the project. The final phase is handing over the project by a private partner to the public partner.

The third part of the diploma thesis deals directly with legal regulation in the Czech Republic. It contains a description of development, intentions and legal incorporation of PPP into legislation related mainly to the accession of the Czech Republic to the European Union and the search for financial resources.

The fourth part of the diploma thesis describes and evaluates the existing unsuccessful projects of the D47 and D3 highways, which were to be implemented through PPP. This evaluation contains a brief description of the situation for which the project was approved and the subsequent comparison of what was done well and what was done wrong by the then sponsor. These projects are then compared with the current Slovak projects of realization of the R1 highway and D4-R7 bypass in Bratislava, which is already in the construction phase and could serve as an inspiration for the Czech public sector.

Final section outlines the benefits and risks of PPP projects, the appreciation of the Czech legal environment and possible recommendations for improvement.

Klíčová slova: PPP project, Concession, Transport Infrastructure