

# Modification of a Public Contract

## Abstract

The thesis deals with the institute of changing a public contract as a result of unforeseen circumstances. The thesis is divided into several chapters and subchapters. The first chapter of this thesis is its general part. This chapter is devoted to the institute of the amendment of a public contract obligation in the context of its inclusion in the legal system of the Czech Republic. In particular, the chapter concerns the specificities of the regime of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter referred to as the „**PPA**“) as compared to the regime of Act No. 89/2012 Coll., Civil Code, as amended (hereinafter referred to as the „**Civil Code**“), which are justified by the specific purpose of the PPA and its principles.

The second, crucial, chapter of the thesis focuses on the very institute of changing the obligation under a public contract as a result of unforeseen circumstances pursuant to Section 222 (6) of the PPA. This chapter is subsequently divided into subchapters, which consist of the individual conditions that must be fulfilled in order to amend a contract pursuant to Section 222 (6) of the PPA. The last subchapter deals with the analysis of the relationship of the provision in question of the PPA to the provisions of the Civil Code, which also regulate the issue of amending a contract due to unforeseen circumstances. The aim of this chapter is both to provide an interpretation of the individual conditions under Section 222 (6) of the PPA and to critically analyse selected provisions of the PPA.

The aim of this thesis is to provide a comprehensive treatment of the institute of modification of a public contract obligation due to unforeseen circumstances. Taking into account the fact that no comprehensive publication on the subject of this work has been published in the Czech Republic, the author aims to provide this comprehensive interpretation by synthesising fragmentary decision-making practice and legal commentaries, supplemented by his own reflections, using the methods of grammatical, logical, systematic, historical, teleological and comparative interpretation of statutory provisions.

Keywords: public procurement, contract modification, unforeseeable circumstances