

Abstract

The impact of international sanctions against Russia and Belarus on the procurement process from the perspective of the contracting authority

Russian Federation's foreign policy, particularly its invasion of Ukraine in 2022, led to the introduction of the most extensive autonomous sanctions regime in the history of the EU. Through this regime, the EU seeks to exert pressure to induce a change in the behavior of the Russian Federation. The autonomous sanctions regime comprises a series of restrictive measures that significantly impact public procurement.

The objective of this paper is to provide a comprehensive perspective on the position of contracting authorities within the context of the EU's autonomous sanctions regimes, highlight certain problematic aspects of the applicable legal framework, and contribute meaningfully to the ongoing discourse in both academic and practical spheres.

The approach chosen to achieve this objective is reflected in the structure of this paper. In the theoretical section, the normative and analytical methods are employed to define key concepts and institutions related to international sanctions, the fundamental structural elements of public procurement law, and the legal framework for the applicable restrictive measures currently in force. The conclusions of this section are synthesized into seven theses, forming the theoretical framework for the involvement of contracting authorities in the described sanctions regime and its application.

The theoretical section is followed by an empirical section, which employs quantitative research methods to examine the practices of contracting authorities in this area and to supplement the defined theoretical framework. The research findings confirm the theoretical premises, with the key observation being that the examined legal instruments introduced in response to the restrictive measures are scarcely used in practice. Based on this finding, two relevant hypotheses are presented: (i) the insufficient effectiveness of methods for verifying the impact of restrictive measures on entities, and (ii) the absence of entities affected by the restrictive measures in public procurement processes initiated in the Czech Republic.

Key words: Restrictive Measures; Procurement Procedure; Role of Contracting Authorities in Procurement Procedures