

SUMMARY

The Basic Principles of Public Procurement

The purpose of my thesis is to analyze the basic principles of public procurement. I've chosen this subject because of my great interest in public procurement law. Contracting authorities spend public money in awarding public contracts and the public definitely have an interest in the economical and effective expenditure of public money. Procurement rules are an important instrument in getting advantages such as a lower price, better knowledge about the market and better service from suppliers.

Recently, new EU public procurement directives were adopted (directive 2004/17/EC and 2004/18/EC). The Czech legislator implemented the new EU public procurement directives into the new Act No. 137/2006 Coll., on Public Procurement. In my thesis I am concerned with both sources. In the EU level I especially deal with directive 2004/18/EC. I try to identify the most important issues in the directive 2004/18/EC from the point of view of the basic principles and appraise their implementation into the Czech legislation.

In my thesis I also use judicature (judicature of the European courts as well as Czech courts) a lot, because judicature is very important in this field of law. Not all questions which are rising from applying basic principles are solved in legal regulations.

My thesis is subdivided into six chapters. Each of them is focused on a different aspect of the basic principles of public procurement.

In Chapter one, I mention briefly the main sources of public procurement law both EU and Czech sources. Chapter two deals with basic principles of public procurement on general, I try to identify them. Chapters three to five are concentrated successively on the principle of non-discrimination, the principle of equal treatment and the principle of transparency. I focus on the most important issues where principles are applied, e.g. technical specifications, technical dialogue, changes in the composition of a group of contractors participating in public procurement procedure, rules of communication, criteria of awarding public contracts etc. In Chapter six I try to

familiarize readers shortly with the Norwegian procurement legislations. I look at the Norwegian approach to EU legislations (directive 2004/18/EC) by which Norway is also bound.

In my thesis I also try to point out certain negative aspects of the Act No. 137/2006 Coll., on Public Procurement, and propose their solutions.