

## ABSTRACT

The presented thesis addresses selected questions within the topic of public tender competitions, with focus on defining the term “public tender” and defining different types of public tenders. The thesis attempts to explain current legal environment of public tenders with regard to the amendment which has entered into force on September 15, 2010, and which has altered certain establishments of the Public Tenders Act. Alternations occurred also in the establishments focused on in this thesis; and because there has been no statutory interpretation or judicature yet, this thesis attempts to shed light on the implications of the amendment on the selected establishments.

Definition of the term “public tender” is crucial from the viewpoint of full compliance of the Public Tenders Act; therefore, definition of the term along with its proprieties is one of the core topics of this thesis. Connected to this topic is also the question of proper definition of the term contracting authority, and assortment of subjects into correct contracting authority categories. This assessment is deemed fundamental for public tender competition. The thesis attempts to analyze situations where contracting authority specification is ambiguous. The case of ČEPRO, a.s., was chosen as a practical example to demonstrate such situation. The thesis strives to assess whether ČEPRO has breached the Public Tenders Act when it failed to comply with the Act, arguing it was not the contracting authority as defined in paragraph two of the Public Tenders Act.

Introductory chapters qualify the rule of the Public Tenders Act, where the qualification stems from the definition of terms “public tender” and “contracting authority”. Nevertheless, it is necessary to bear in mind the fact that the Public Tenders Act describes situations where although all necessities of a public tender are fulfilled and the Act should be followed, by providing exemptions the factual force of the Act is limited. The thesis elaborates on causes and consequences of these exemptions. Moreover, the entire thesis works with segmentation of public tenders according to the criteria put forward by the Public Tenders Act; and attempts to explain the importance of such segmentation. In all of its chapters, the thesis brings in the practical side of the topic of public tenders by working with judicature from both national and European level.