

Abstract

Concession agreement and concession procedure

The aim of this thesis is to analyse the valid legal regulations concerning the concession procedure and concession agreements that form the legal framework of the PPP projects in the strict sense, and to identify its key issues.

The first chapter of this thesis concerns both the European and Czech sources of law relating to the concession procedure. On the European level, the role of primary law is being considered, followed by the sources of secondary law and the influence of decisions of the Court of Justice of the European Union. On the domestic level, the thesis is focused on the regulation contained in the Concession Act, specific kinds of concessions regulated in special acts and on explanation of the relation between the Concessions Act and Public Procurement Act.

Chapter two examines the relevant concepts of law, which determine the personal and substantive scope of the concession procedure with accent on the definition of the concept of „concession“, resp. concession agreement, and basic principles which originate from the European primary law and apply both to the concession procedure pursuant to part II of the Concessions Act as well as awarding concessions that are not subject to the regulation in the Concessions Act.

Chapter three analyses the course of the concession procedure with regard to the operation of the contracting authority and application of the above-mentioned principles.

Chapter four will cover the concession agreement in the view of its legal regulation contained in the Concessions Act. The issue of amending concession agreements that have already been concluded is covered in more detail.

In the conclusion I will summarise the conducted analysis and partial conclusions from the previous chapters and suggest that a new complex concessions act should be passed that would not be linked to the regulation in the Public Procurement Act. I will also assess the preparation of the successful Directive on awarding concessions.

KEYWORDS

Public procurement, concession agreement, concession procedure