

Summary:

The subject of this work, as it follows from its title, is the issue of crimes committed in connection with public procurement. The author emphasizes that it is a problem more than actual. Crime in connection with the public procurement has significant economic and social impacts and is subject of a long-term criticism and constant interest of media. The aim of this work is to present the main features of this form of crime, not only through a detailed analysis of the applicable criminal regulations, but also, using practical experience and analysis of the current case-law of general courts, through identification of the most significant legal or forensic problems in detection and investigation of this type of crime. The work is divided into five parts, which are further divided into sub-chapters and sections. The first part is dedicated to a valid criminal regulation. It defines in detail the various constituent elements of the relevant offenses and the most important legal concepts. The criminal liability of legal persons is not omitted. The second part, though still focused on the criminal regulation, has been concentrating on the applicable regulations of the Public Procurement Act, rather than the Criminal Code, with focus on legal concepts contained in this Act that are also normative characters of criminal regulation. In addition to the concepts of contracting authority, supplier, procurement or procurement tender process, this part also defines the various stages of the procurement process with an indication of their potential relevance for the crimes committed. The third part provides criminological view on this form of crime. It deals with the state of registered crime and in comparison with the state of a public procurement market therefore indicates how significant extent reaches latent criminality. In this respect indicators are also outlined which may suggest a presence of criminal activity during the procurement procedure. In the fourth part there are analyzed enforceable decisions of the general courts, requested under the Act. no. 106/1999. There are identified legal and factual problems that may occur in the prosecution of this type of crime and are also outlined means of their possible solutions. On these decisions are then established general observations about methods how is this type of crime committed. The fifth and last part finally deals with procedural issues, focusing on specific means of evidence which are typical for the detection and investigation of manipulated contracts. It then discusses the problems of hidden surveillance and the impacts that these kind of evidence may have for successful

clarification of a crime. In this respect is then simultaneously proposed a technical solution which could make these instruments more efficient while minimizing the cases of unjustified prosecution or monitoring. The work deals also with the expert evidence and the rules of their use. The last sub-chapter deals with a role and importance of lawyers and attorneys and also briefly discusses the boundary between the provision of legal assistance and cooperation on a crime. The work is finally complemented by interesting statistical outputs as well as a list of decisions of general courts, which have been used for the purposes of processing of the fourth part.