

ABSTRACT

The thesis provides a comprehensive analysis of the horizontal policies in public procurement with the aim to determine whether public procurement may be used as a legitimate tool in the pursuit of such policies. Horizontal or secondary policies refer to the policies not inherently connected to the functional objective of public procurement – i.e. to the purchase of goods and services. These may among other strike at social or environmental issues. For this purpose, the descriptive and analytic methodics are used. The case-law of CJEU was the primary source of the thesis along with the relevant literature and both EU and Czech legislation.

The thesis is structured into two chapters. The first chapter provides essential introduction to the legislation in place in respect of the horizontal policies in public procurement. The second part of the chapter then analyses relevant case-law of CJEU. Particular attention is paid to the case law in respect of public procurement used as a tool to pursue employment policies.

The second chapter named taxonomy of horizontal policies elaborates on the relationship between economic and legal aspect of the public procurement in general. It quickly comes to the conclusion, that the contracting authorities must deal with both the legal and economic aspects of public procurement. This means that any such course of action must be permitted by law. On top of that the contracting authority must act in economically rational way. The final part of the thesis then deals with the analysis of particular tools that may be used by the contracting authorities. Both the legal and economic assessment is provided.

The contribution of the thesis is mainly in the fact that it provides an assessment of topic not comprehensively regulated by the legislation. And although the support of use of horizontal policies in public procurement is growing, the topic of the thesis is not even covered by any extensive research in the Czech academic field.